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ARBITRATION WITH THE UNITED STATES OF BRAZIL.

THE CASE

ON BEHALF OF

THE GOVERNMENT OF HIS BRITANNIC
MAJESTY.

LONDON:

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BRITISH GUIANA BOUNDARY.

ARBITRATION WITH THE UNITED STATES OF BRAZIL.

THE CASE

ON BEHALF OF

THE GOVERNMENT OF HIS BRITANNIC MAJESTY.

Terms of Treaty.

ON the 6th day of November, 1901, a Treaty was concluded between Great Britain and Brazil, in order to provide for the settlement of the question which has arisen between the respective Governments concerning the boundary between the Colony of British Guiana and Brazil.

The full text of the Treaty is as follows :—

“His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the President of the United States of Brazil, being desirous to provide for an amicable settlement of the question which has arisen between their respective Governments concerning the boundary between the Colony of British Guiana and the United States of Brazil, have resolved to submit to arbitration the question involved, and, to the end of concluding a Treaty for that purpose, have appointed as their respective Plenipotentiaries :—

“His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, the Most Honourable Henry Charles Keith Petty FitzMaurice, Marquess of Lansdowne, Earl Wycombe, Viscount Caln and Calnstone and Lord Wycombe, Baron of Chipping Wycombe, Baron Nairne, Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, a Peer of the United Kingdom of Great Britain and Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, &c., &c., &c. His Majesty's Principal Secretary of State for Foreign Affairs ;

And the President of the United States of Brazil, Senhor Joaquim Aurelio Nabuco de Araujo, Envoy Extraordinary and Minister Plenipotentiary of Brazil to His Britannic Majesty;

“Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

“ARTICLE I.

“His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the President of the United States of Brazil, agree to invite His Majesty the King of Italy to decide as Arbitrator the question as to the above-mentioned boundary.

“ARTICLE II.

“The territory in dispute between the Colony of British Guiana and the United States of Brazil shall be taken to be the territory lying between the Takutu and the Cotinga and a line drawn from the source of the Cotinga eastward following the watershed to a point near Mount Ayangcanna, thence in a south-easterly direction still following the general direction of the watershed as far as the hill called Annai, thence by the nearest tributary to the Rupununi, up that river to its source, and from that point crossing to the source of the Takutu.

“ARTICLE III.

“The Arbitrator shall be requested to investigate and ascertain the extent of the territory which, whether the whole or a part of the zone described in the preceding Article, may lawfully be claimed by either of the High Contracting Parties, and to determine the boundary-line between the Colony of British Guiana and the United States of Brazil.

“ARTICLE IV.

“In deciding the question submitted, the Arbitrator shall ascertain all facts which he deems necessary to a decision of the controversy, and shall be governed by such principles of international law as he shall determine to be applicable to the case.

“ARTICLE V.

“The printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to the Arbitrator and to the Government of the other Party within a period not exceeding twelve months from the date of the exchange of the ratifications of this Treaty.

“ARTICLE VI.

“Within six months after the Cases shall have been delivered in the manner provided in the preceding Article, either Party may in like manner deliver in duplicate to the Arbitrator and to the Government of the other Party, a Counter-Case and additional documents, correspondence, and evidence in reply to the Case, documents, correspondence, and evidence as presented by the other Party.

“If in the Case or Counter-Case submitted to the Arbitrator either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within forty days after the delivery of the Case or Counter-Case, and the original or copy so requested shall be delivered as soon as may be within a period not exceeding forty days after the receipt of notice.

“ARTICLE VII.

“Within four months after the expiration of the time fixed for the delivery of the Counter-Case on both sides, each Party shall deliver in duplicate to the Arbitrator and to the Government of the other Party a printed Argument showing the points and referring to the evidence upon which each Government relies; and the Arbitrator may, if he desires any further elucidation with regard to any point in the Argument of either Party, require a further written or printed statement or argument upon it; but in such case the other Party shall be entitled to reply by means of a similar written or printed statement or argument.

“ARTICLE VIII.

“The Arbitrator may, for any cause deemed by him sufficient, extend the periods fixed by Articles V, VI, and VII, or any of them by the allowance of thirty days additional.

“ARTICLE IX.

“The High Contracting Parties agree to request that the decision of the Arbitrator may, if possible, be made within six months of the delivery of the Argument on both sides.

“They further agree to request that the decision may be made in writing, dated, and signed, and that it may be in duplicate; one copy to be handed to the Representative of Great Britain for his Government, and the

other copy to be handed to the Representative of the United States of Brazil for his Government.

“ARTICLE X.

“The High Contracting Parties engage to accept the decision pronounced by the Arbitrator as a full, perfect, and final settlement of the question referred to him.

“ARTICLE XI.

“The High Contracting Parties agree that the Indians and other persons living in any portion of the disputed territory, which may by the Award of the Arbitrator be assigned either to the Colony of British Guiana or to the United States of Brazil shall, within eighteen months of the date of the Award, have the option of removing into the territory of Brazil or of the Colony, as the case may be, themselves, their families, and their movable property, and of freely disposing of their immovable property, and the said High Contracting Parties reciprocally undertake to grant every facility for the exercise of such option.

“ARTICLE XII.

“Each Government shall provide for the expense of preparing and submitting its Case. Any expenses connected with the Arbitral proceedings shall be defrayed by the two Parties in equal moieties.

“ARTICLE XIII.

“The present Treaty, when duly ratified, shall come into force immediately after the exchange of ratifications, which shall take place in the City of Rio de Janeiro within four months from this date, or sooner if possible.

“In faith whereof we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

“Done in duplicate at London, the 6th day of November, 1901.

(L.S.)	“LANSDOWNE.
(L.S.)	“JOAQUIM NABUCO.

“*Declaration.*

“The Plenipotentiaries on signing the foregoing Treaty declare, as part and complement of it and subject to the ratification of the same, that the High Contracting Parties adopt as the frontier between the Colony of British Guiana and the United States of Brazil the watershed-line between the Amazon basin and the

basins of the Corentyne and the Essequibo from the source of the Corentyne to that of the Rupununi, or of the Takutu, or to a point between them according to the decision of the Arbitrator.

(L.S.) "LANSDOWNE.

(L.S.) "JOAQUIM NABUCO."

This Treaty was ratified upon the 28th January, 1902.

The accompanying Case, together with the documents, official correspondence, and other evidence on which the Government of Great Britain relies, is delivered pursuant to Article V of the Treaty.

CHAPTER I.

GEOGRAPHY AND ETHNOLOGY.

(a.) GEOGRAPHY.

The territory in dispute between the Colony of British Guiana and the United States of Brazil is situated almost in the centre of Guiana.

Guiana, in its broadest sense as defined by the geographers, comprises all the territory bounded by the Orinoco, Casiquiare, Rio Negro, Amazon, and the Atlantic Ocean.

By Article II of the Treaty above set forth the area which the two Governments have agreed to consider as in dispute is definitely limited.

It is desirable to obtain a clear idea of the geography of the zone which is submitted to the Arbitrator.

The definition of the zone in the Treaty is tolerably precise, and on the map attached to this Case an effort has been made to indicate it, according to the latest geographical knowledge of the district. It will be found that the northern point of the zone is in the group of mountains (of which the best known is Roraima) which forms the common source of certain tributaries of the Essequibo, Orinoco, and Amazon river systems. The western boundary of the zone is formed by the Cotinga, running southward from the mountains just mentioned to join the Takutu, and then by the Takutu, which it follows upstream to its source near Mount Vinidaua, where it meets the eastern limit of the zone. This eastern boundary also starts from Mount Roraima, but runs eastward along hills to "a point near Mount Ayangcanna," and then along the water-parting between the tributaries which flow eastward to the Essequibo, and those which flow westward to the Ireng (Mahu), as nearly as this watershed can be traced on the map, to the hill Anna-i; thence it passes to the Rupununi by the nearest tributary, apparently a stream unnamed, and follows the left bank of the Rupununi to its source near the Tshuna mountain; crossing from

Description of Zone.

this point direct to the source of the Takutu it meets the western boundary and makes by intersection with it the southern point of the zone.

The western limit of the zone is the line which was recommended by Sir Robert Schomburgk in 1839 as the fair and natural boundary of British Guiana on the south-west.

Rivers.

The Cotinga is sometimes referred to, more particularly in Portuguese documents, as the Surumu or Xurumu, but this name properly belongs to its largest tributary, which falls altogether outside the area claimed by Great Britain.

The Takutu, rising in or near Mount Vindaua, flows first northward to its junction with the Ireng (Mahu), then toward the south-west to join the Parima or Uraricuera. This river, more particularly that part of it which lies between its junction with the Ireng and its junction with the Parima, was often called the Mahu. This fact is of great importance for the understanding of certain documents in this Case. The reason for the confusion between the streams is made clear by a passage from one of Sir R. Schomburgk's journals:—

I, pp. 138, 187.

“The breadth of the Takutu before it receives the Mahu is not more than 192 yards, while the latter is 263 yards; after their junction they do not together exceed 267. . . . The course of the Takutu here describes a half-circle, and appears more like a tributary of the Mahu.”

The river which is usually marked as the Mahu on modern maps is more properly called Ireng. The only name for this river known to the Indians is Ireng, which is only once found in the documents before Schomburgk's time. The river was practically unknown before his survey. The whole course of this river falls within the zone above described; it rises in hills due south of Mount Ayangcanna, and flows in a south-easterly direction till it forces its way through the Pacaraima mountains, and meets the Takutu very near the point where this last river, after flowing north, bends sharply round to the south-west to form by its junction with the Parima the large river known as the Rio Branco.

The Virua is a stream of which less is known. It rises in spurs of the Pacaraima mountains, and

flows south-east to the Takutu, which it joins just below the point where the Ireng enters that river.

Not far to the east of the confluence of the Ireng and Takutu, and towards the centre of the zone, is the shallow depression which, flooded in the wet season, forms the so-called Lake Amucu; from this the short stream Pirara runs west to the Ireng and the stream Quatata east to the Rupununi. This interconnection of streams through the Lake Amucu forms the main passage from the waters of the Essequibo to those of the Amazon basin. It is the Pirara Portage of some of the documents in the Appendix. The site of the village of Pirara is on the lake; and close to the point where the Quatata enters the Rupununi is Upicari or Wypocari, also known as Pirara Landing.

In the southern portion of the zone, on the east side of the Takutu, is the Sawará-au-uru, running north-westerly from the hill called Mamette to join the Takutu; it is occasionally referred to in the documents annexed to this Case as affording a means of transit from the Takutu to the Rupununi, through a small tributary of the latter, and by portage.

The Rupununi, rising not far from the Takutu, runs also northward for a considerable distance and then turning east forms the principal tributary of the Essequibo.

It will be convenient here to call attention to the various forms under which the name Rupununi appears in the documents attached to this Case. On this Sir R. Schomburgk has a valuable note:—

“The Rupunoony is called Rupunuwini, Rupunury, III, p. 16. Ruponoony; the Macoosies call it as above; the Caribbees, Opununy, as they find it difficult to pronounce the R.”

This failure of pronunciation on the part of the Caribs, the earliest Indian friends of the Dutch, readily explains how the earliest form of the word met with in the Dutch records should be without the first syllable. It also explains the Spanish form “Apanoni,” which will be met with in the documents. The variation of the final syllable from “ny” or “ni” to “ry” or “ri” is more difficult to account for, but the difficulty of correctly transliterating the words of savage tribes is well known. Physiological experiment shows that the change is a fairly

easy one. From the form Rupunuri the occasional Spanish form Arupumuri or Aripamuri comes quite readily.

Mountains.

The only other important natural features, of which special mention need at present be made, are the Pacaraima mountains towards the north of the zone and the Canaku (Can-a-Ku) mountains to the south. The central area of the zone is formed by a great savannah lying between these ranges of hills.

The true Pacaraima range—that to which the name is properly applicable—runs from the Cotinga towards the Rupununi, crossing the 4th parallel of north latitude in a direction from N.W. to S.E. The heights gradually diminish in size as they approach the Rupununi. The name Pacaraima was given on most maps prior to Schomburgk's survey to a much longer range of mountains between the basins of the Orinoco and the Amazon.

The Canaku mountains are a compact mass of hills stretching from the left bank of the Quitaro westward across the Rupununi almost to the Takutu. The more important heights are on the left bank of the Rupununi, and fall within the zone.

The hill Anna-i, which is a point on the eastern boundary of the zone, is a small and almost isolated hill, 700 feet in height, close to the main bend of the Rupununi.

It will be seen on examination of the map that the water-parting between the waters which run east to the Essequibo and those which run west towards the Rio Branco is very indistinctly marked; apparently, after leaving Mount Ayangcanna, it keeps close to the sources of various tributaries of the Ireng (Mahu), and then across plain land, as indicated by the line on the map, to Lake Amucu, passes down the centre of the lake near Pirara, and then hugs the west side of the Canaku mountains, from which it passes midway between the Rupununi and the Takutu till it arrives at the southern apex of the zone described in the Treaty. The watershed line is, as a matter of fact, exceedingly difficult to define on the ground in such a way that it can be easily recognized, and there is no satisfactory natural boundary in the whole district till the line of the Cotinga and the Takutu is reached.

The zone above described, as appears from a study of the map and of the statements of those travellers who have learned to know it intimately, falls into two well-marked areas.

The whole of the northern portion is marked off by the upper course of the Cotinga, with the Serekong mountains running close to it, and the true Pacaraima range, which trends south-east from the bank of the Cotinga in latitude $4^{\circ} 20' N.$ till it comes close down to the Rupununi near its tributary the Bononi, crossing the Ireng (Mahu) towards its lower reaches. Viewed generally, the district thus indicated may be said to be a mountain savannah interspersed with forest land merging imperceptibly into the forests which surround the sources of the Massaruni, the Potaro, and Siparuni. It cannot well be separated from the forest area of British Guiana, just because of the fact that it is watered by a stream which discharges itself within the Amazon basin.

The whole remaining portion of the zone is a stretch of pure savannah, interrupted by the Canaku mountains, which almost cross it at one point from east to west. This savannah is a comparatively level area stretching without interruption from the banks of the Rupununi to those of the Cotinga and Takutu. There is absolutely no well-marked feature by which the eastern part of it can be separated from the western.

A few selected passages from the only travellers of repute who have really explored this district will illustrate the statements just made.

Writing of a point on the Takutu some miles above the mouth of the Cotinga, Schomburgk says :—

“We had here a pretty prospect over the savannahs. III, p. 49. To the north the Pacaraima mountains, at a distance of 30 miles, stretched as far as we could see from N.N.W. to N.N.E.; the Watutu, a small chain of hills, occupied the foreground; . . . to the S.S.E. we saw the Canuku mountains, and among them the remarkable rock Ilamikipang.”

And a little further on from a point at the mouth of the Pirara River:—

“The distance from our encampment at this place to the village was 15 miles over savannahs and swampy grounds, impassable during the rainy season and when the rivers commence to overflow. About half-way is III, p. 50.

The Savannah.

an elevated spot from which there is a fine view of the savannah bounded to the north and south by the mountain chains of Pacaraima and Canuku, and only limited by the horizon to the west."

Sawkins, in his geological report on British Guiana, describing the savannahs, says :—

Brown and
Sawkins, Reports
on the Geology of
British Guiana,
p. 91.

"It is the latter [*i.e.*, Rupununi] that intersects the great savannah that lies between the Pacaraima and Canuku mountains. . . . The surface of these savannahs is undulating in elevations and depressions from 5 to 30 feet; the highest rise I found to be 60 feet. . . .

Ibid., p. 93, *ad m*

"On the north the savannah extends to the base of the Makarapan, on the south to the great Canuku range."

Brown, who was Sawkins' colleague, had much more experience of the savannah district, of which in his earliest report he gives a full account.

In his unofficial narrative of his journeys, he gives a more vivid description.

After his halt at "Pirara Landing" on the Rupununi, he writes :—

Brown, "Canoe
and Camp Life in
British Guiana,"
p. 109.

"I then started on my journey inland. . . . In ten minutes after leaving camp we emerged from the bank of bush upon the high rolling open savannah, along which one could see the plain stretching away to the westward for many miles. . . .

"North and south of this great rolling plain were two masses of high mountains, the one being part of the Pacaraima range, and the other the lofty Canuku chain. The Pacaraimas being only some sixteen miles off, their yellowish dry grass covering with small patches of forest clustering here and there could be distinctly seen; while the Canukus, being 24 miles away, presented an aspect of a dark blue colour."

And further on speaking of the village of Quatata, he says :—

Ibid., p. 135.

"From it we had a fine view of the Pacaraima mountains to the north, with the great stretch of open level intervening savannah, and Lake Amucu in the foreground."

The other traveller who in modern times has thoroughly explored this region is im Thurn, who, in describing his walk to Quatata, writes in similar terms :—

im Thurn,
"Among the In-
dians of Guiana,"
p. 33.

"The undulating savannah is chiefly arranged in parallel ridges, hills, and valleys, sometimes large and sometimes small, rapidly succeeding each other. The

soil changes often and abruptly. As a background to all this in the far distance, on the right, is the Pacaraima range, and on the left are the Canuku mountains. Quatata stands on high ground, within half-a-mile of the now extinct settlement of Pirara."

And again:—

"Three days walking across an almost uninhabited savannah—sometimes undulating, sometimes a huge perfectly level plain—brought us, after crossing various small rivers, and amongst others the Nappi near its source, to Enwari-manakooroo not far from the Takutu River."

in Thurn,
"Among the Indians of Guiana,"
p. 38. "

It is not uninteresting to compare with these English descriptions the remarks of a Portuguese official who was sent to report on the upper portion of the Rio Branco in 1781:—

"We found that the distance was 12 leagues in a straight line from the mouth of the Pirara to the bank of the River Rupunori. The country between the Pirara and Rupunori consists of plains and swamps, which, in the season of the floods, form a continuous lake, which by means of three small portages makes the communication by water between the Rio Branco and the said Essequibo or Rupunori. These savannahs are shut in as it were on the south by a lofty cordillera running east and west for about 10 leagues, and terminating at the peak on the west on the River Tacutu; and northwards are to be seen five chains of lofty mountains which run for an immense distance."

I, pp. 138, 139.

It is easy to gather from such citations a correct idea of the savannah district; except that the exact significance of the Canaku range only becomes apparent on closer examination: it forms a sort of link between the Takutu and the Essequibo basin, through which, according both to Schomburgk and Brown, the Rupununi has forced its passage.

III, p. 12.

Brown and Sawkins, op. cit., p. 9.

It will be shown, in a subsequent chapter that, as a matter of history, the Dutch had explored and utilized the district in dispute, and a large area beyond it to the south, long before the Portuguese were aware of the existence of the Rio Branco. The actual facts of history were evidently determined by the geographical factors involved. They were exactly what might have been expected from a careful, independent study of these factors.

Vide Atlas No. 1.

Influence of Geographical Factors.

It will be found, on reference to any map of South America, that the distance of the centre of the disputed zone from the point of junction of the Rio Negro with the Amazon is double that of its distance from the Essequibo mouth, and a good deal more than double the distance from the original seat of the Dutch Government at Fort Kijkoveral. The same centre point of the zone is half as far again from the junction of the Rio Branco with the Rio Negro as it is from the mouth of the Essequibo. So that, even if the Portuguese had started fair at the mouth of the Rio Branco when the Dutch had started from Kijkoveral, they would have had a much greater distance to traverse before they reached the savannahs now in question. As a matter of fact, the Dutch had a long start of the Portuguese in the exploration of the interior, and were pushed on by their keen natural instinct of trade.

Now, it is admitted by all travellers that a party ascending the Essequibo naturally turns up the Rupununi on arriving at the junction of that stream with the Essequibo. In the words of Schomburgk—

III, p. 9.

“At the first glance the Rupununi might be considered, and indeed is considered by many of the colonists, the continuation of the Essequibo, as at its junction it falls in from the south-west, whereas the Essequibo here comes from the east.”

III, p. 10, *ad init.*

A little later in the journal of his voyage Schomburgk speaks of the Essequibo above the Rupununi as a *terra incognita* to the Indians, while in other journals and reports he shows that King William the Fourth's cataract on the Essequibo had proved an impassable barrier to travellers.

Brown, “Canoe and Camp Life,” pp. 100–101.

Brown's description of the voyage up the Essequibo readily suggests the same idea. After comparing the lower forest growth on the banks of the Rupununi with the thicker and higher growth on the Essequibo, he has the following passage:—

“Next morning we returned to and commenced our voyage up the Rupununi, the largest tributary of the Essequibo in this part. It is wide and shallow, with many sand-beaches at its bends, high grey clay banks, and yellowish-white water. Shortly after entering it a fine view of the high, wooded, distant mountain of Macarapan is obtained.”

And im Thurn is still more definite :—

“The course of the Essequibo is smooth from here to some distance beyond the junction of the Roopoonooni River, up which we were going. The falls above this junction, near the source of the Essequibo, are of very great height and difficulty, and present a barrier as yet insuperable to travellers who have attempted to pass up the higher Essequibo. The Roopoonooni also is free from falls from its mouth to beyond the point at which we were to leave the river and begin our life on the savannah at Pirara Landing.”

im Thurn, “Among the Indians of Guiana,” p. 25.

Within two days after entering the Rupununi, if the river is full, the traveller first touches the savannah country; the exhilaration with which its freedom of prospect is greeted after the journey through so many miles of forest is well described both by Richard Schomburgk and Barrington Brown, and it would be easy to understand on this ground alone why the early Dutch traders always worked up the Rupununi to the savannah region.

Brown, “Canoe and Camp Life,” p. 109, *ad fin.*
Richard Schomburgk, “Reisen in Britisch Guiana,” p. 353.

That this was their regular route is shown by Storm’s despatches. He placed the post of Arinda at the mouth of the Rupununi specifically because it was the direct route of the traders; and in his valuable treatise on the Dutch posts, after a full description of the Rupununi waterway, he states that the Essequibo itself is unexplored a few days above the post, no one having gone in that direction.

I, p. 50.

I, pp. 72-76.

The savannah, then, was the natural outlet for the early Dutch traders; and once they held it there was nothing to bar their extension to the southward. Their activity even to the banks of the Rio Negro is admitted alike by the Spaniards and the Portuguese, and it will appear later that if their boundary had been drawn in the middle of the eighteenth century, their effective claim would have extended at least as far as the line of the Rivers Macajahi and Guidiwau, far south of the present fort of São Joaquim.

Vide Atlas No. 3

On the other side the fact that the Portuguese had no knowledge of the Mahu and Takutu till a late period in the eighteenth century is sufficiently explained by the great distance which they had to travel before they could ascend the Rio Branco, even as far as its large falls, which are far below its junction with the Takutu.

The deliberate testimony of two careful explorers, Colonel Manoel Gama Lobo de Almada

and Sir Robert Hermann Schomburgk, may be adduced as summarizing with a very similar result the effect of a geographical examination of the zone now in question.

The official judgment of the former as to the boundary is embodied in the following passage from his report in 1788:—

I, p. 186.

“From all this it is deducible that just as the cordillera that runs along the upper part of this frontier is a natural mark which, dividing the watersheds of the Orinoco from the watersheds of the Rio Branco, must necessarily be crossed in order to get communication on this side from the dominions of Spain to those of Portugal, in like manner all the district which lies between the Rivers Mahu, Takutu, and Repunuri is a tract which naturally marks off in those parts the communication of the Dutch and Portuguese dominions.”

III, p. 89.

Schomburgk, in July 1839, after his unofficial explorations in the district, in expressing his view as an explorer and geographer, first laid stress on the importance of marking the limits of British Guiana entirely in conformity with natural boundaries, and then proceeded to show in detail, according to his then knowledge, what these boundaries should be: as regards this district, he stated, that the line of division ought to proceed from the source of the Cotinga in a southerly direction along the left bank of that river (the lower part of which he called at this time the Zurumu), to the Takutu, and up that river to its source. It is obvious that Schomburgk took the river boundary at this point as the best natural boundary near the watershed compatible with the claims of the Dutch and British. He tacitly assumed that a watershed which has nothing to mark it is of no value for an international boundary. Throughout the rest of his description he laid much stress on the watershed,—at this point he departed from it.

(b.) ETHNOLOGY.

Guiana, or at any rate the central part of it, was originally inhabited by four branches of American Indians, called Warows, Arawaks, Wapianas, and Caribs. The two last of these may be sub-divided into tribes as follows: the Wapianas into True Wapianas or Wapisianas, Atorais, and Amaripas; the Caribs into True Caribs, Akawois, Makusis, and Arekunas.

These tribes have all numerous sub-tribes, which account for the other names which will be met with in the documents which accompany this Case; but there are one or two names, *e.g.*, the Manoas and Paravilhanos, which apparently belong to larger communities.

All these tribes have had migratory tendencies, and though they usually have a fixed general locality, they have shifted it from time to time during the past three centuries.

At the present time the zone now in question is inhabited by parts of three tribes, as indicated in the map No. 2 in the Atlas attached to this Case,—the Arekunas in the extreme north, the Macusis all over the central part of the area, and the Wapisianas in the southern portion; to a small extent the Wapisiana villages are intermingled with those of the Macusis.

Parts of these tribes still spread over into the real Amazon basin to the west of the zone. There is evidence that at one time the Wapisianas did so to a very considerable extent; Colonel Manoel Gama Lobo de Almada places them on the hills as far west as the little stream which he calls Parime; and Schomburgk found some of them in the same locality. But it may be affirmed that, at any rate since Schomburgk surveyed a provisional boundary, the home of the true Macusis has been situated almost entirely on the central savannahs of the zone, and that of the true Wapisianas in the Canaku mountains towards the southern part of the zone.

The Atorai and Taruma Indians, chiefly the small relic of those tribes which has survived the Portuguese slave-dealers, live to the east of the zone well within the Essequibo basin; the Woyawais are situated at the sources of the Essequibo.

It will be observed, on a perusal of the Portuguese documents, that there is frequent mention of the Caripuna tribe as closely allied to the Dutch. In many cases the word is only another form of "Carib," but in other passages there is a strong presumption that it is a confusion with Arekuna. It seems, indeed, probable that Colonel Manoel da Gama Lobo de Almada has not escaped error on this point.

The Paravianas or Paravilhanos, who are also constantly mentioned in the Appendix to this Case,

lie, according to Spix and Martius, quite to the west of the zone, chiefly around the Parima or Uraricoera and its tributaries; but it is clear that at one time they were found in numbers over the whole of the country which stretches from the Caratirimani eastward to the Takutu. At an earlier period they seem to have resided on the Essequibo.

The Manoas or Manaos are placed by the same authority to the south of the Rio Negro; but it is evident from the history that in earlier days they were spread over the whole country to the north of the Rio Negro, and they probably came up for some distance on the Rio Branco.

Of other tribes or sub-tribes of which mention is made in the documents which accompany this Case, it seems unnecessary to take more particular notice.

CHAPTER II.

HISTORICAL INTRODUCTION.

It is unnecessary to enter at any great length into the general history of the Dutch and Portuguese in Guiana.

The Dutch entered Guiana from the northern coast, having founded their Colony on the Essequibo before 1623. The Portuguese, who were at that time subject to the Spanish Crown, entered by the Amazon, on which they established a firm footing in 1625, destroying prior Dutch settlements near the mouth of the Amazon on the Rio Felipe and at Curupá.

The occupation of the most flourishing part of Brazil by the Dutch, which may be taken as having lasted from 1632 to 1654, needs only a passing mention. It has no direct bearing upon that part of the history of the two nations which affects the question now at issue. In fact, Guiana at that time had no connection with Brazil. Nor had the Dutch who took part in the struggle in Brazil much—if any—regular communication with those who were opening up the Essequibo Colony.

Before 1639 Dutch traders from the Essequibo had already penetrated to the savannah districts beyond the Rupununi and Rio Branco: in that year the expedition of Teixeira, which revealed the Amazon to the Spaniards and Portuguese, passing down the Amazon, paused at the mouth of the Rio Negro, more than 400 miles from the zone now in discussion: there they heard of the trade of the Dutch in these regions—dimly, and as something far out of their knowledge.

Through the rest of the century the Dutch were making a regular and practical use of the district; but the Portuguese only returned to the mouth of the Rio Negro shortly before 1695: it was nearly fifty years from that date before they first penetrated any distance up the Rio Branco: it was nearly forty years more before they had any actual knowledge of the existence of the district now in question.

It will be the object of the next two chapters

of this Case to exhibit the story of Dutch settlement and administration in and near the zone now in question, and the slow progress of Portuguese occupation along the Amazon until they also finally arrived in the neighbourhood of the zone, and it was possible for the present question to arise.

And as the Dutch discovered and utilized the zone which is now contested so long before its existence was known to the Portuguese, it will be proper to set out first in detail the history of their control of the territory.

CHAPTER III.

DUTCH OCCUPATION AND CONTROL.

It is well to premise that the extant records of the Dutch West India Company cover only a small portion of the dealings of Dutch colonists. It has recently been shown, in an able argument in the "English Historical Review," that the importance of private trade and the number of private traders in the early years of the Essequibo Colony had not hitherto been appreciated. It was, in fact, the enterprise of the private traders which usually led the way into the interior of the Colony, and the occasional references to them in the official reports of the Dutch West India Company are but a poor indication of their activity and success. Those reports mainly concern the action of the Company's officials. They refer to any given district only when it became subject to the immediate operations of the Company, or when the Company had to intervene and organize administration of trade in the district. The record of all that was done by the private "itinerant" traders does not as a rule concern the Company. A better indication of the activity of such unofficial enterprise is found in the complaints embodied in the Portuguese and Spanish records.

"Eng. Hist. Rev.,"
Oct. 1901.

Already before 1639 the Dutch had become aware of the inland communication which led from their Colony to the Amazon.

Early Dutch Trade

On p. 2 of the Appendix will be found a passage from the work of Padre d'Acuña which will repay attentive perusal. Although his geography is confused he shows clearly that the Indians of the Amazon received trade goods from the Dutch of the Rio Dolce (the old name of the Essequibo) by an inland route which connected the Rio Negro with a river which must have been the Essequibo. That he is referring to the Dutch of Essequibo is placed beyond all doubt by the reference to their descent on Santo Thomé, of which a detailed account will be found on the same page in the Appendix, vol. I.

I, p. 2

There is incidental confirmation of the early date of this traffic in Major Scott's interesting account of Guiana, wherein he speaks of :

I, p. 4.

"The two greatest travailleurs that ever were in Guiana of Christians. The one was one Matteson The other was one Hendricson, a Switz by nation, that had served some Dutch merchants in those partes 27 yeares in quality of a factor with the upland Indians of Guiana. Both these persons happened to be prisoners to the author in his voyage to Guiana, 1665."

This takes the traffic back to 1638, almost exactly the date of Padre d'Acuña's statement. And Scott also indicates precisely the locality of the traffic, for he describes these "upland Indians of Guiana" in the following words:—

I, p. 5.

"The Occowyes, Shawhauns, and Semicorals are great powerfull nations that live in the uplands of Guiana either under the line or in south latitude, and there hath none soe unverced (*sic*) wth them, as to make a judgmt of them as to their numbers, but its most certaine they are settled in a most fertile countrey, and cover a vast tract of land beginning at ye mountains of the sun on the west and north and extending themselves to Rio Negroe 500 miles south, and east, a famous river there empties itselfe into the Great Amazone. They have a constant warr wth some nations on the islands in the Amazonas, and are often gauld by the willey Careebs, who often when they are ingaged abroad visett their townes to their noe small p'judice. And thus much of the natives."

I, p. 6.

The operations referred to above are probably those of private traders. The first journey up the Essequibo as far as the disputed zone, of which we have any definite record, was apparently official. It must have been in or about 1662 that Governor Groenewegen, guided by Captain Matteson, ascended the Essequibo, as recorded by Major Scott, to some point 300 miles from Fort Kijkoveral;—that is to say, to some point not only higher than the Rupununi but beyond the Rio Branco; for Scott's account makes it clear that the expedition arrived somewhere towards the Amazon, even if it did not come within 25 leagues of the main stream as he states. This was evidently an expedition with a view to testing the mineral or other resources of the interior.

I, p. 6.

No contemporary Dutch record of this expedition has been found, and there appears to be only one reference in a Dutch document which can clearly be identified with trade up and beyond the Essequibo until very near the end of the century. Incidentally, however, admissions from Portuguese sources in 1687, 1695, and 1697 as to the extent of the Dutch traffic with the Indians on the Rio Negro show that the

I, pp. 6, 8, 10.

Dutch had thoroughly established themselves in this direction. And the fact that the trade had its centre in the Rupununi district is made certain by the extracts from the diary of Fort I, p. 12. Kijkoveral, dated 1699-1701.

That interesting diary, which shows how thoroughly Dutch trade with the interior was organized by the year 1700, is not published in full in the Appendix to this Case, but it will be found printed at length at pp. 47-158 of the Appendix to the British Counter-Case in the matter of the Venezuelan boundary, a copy of which has been laid before His Majesty the Arbitrator for reference.

In the extracts from this Diary which are submitted in the Appendix to the present Case there will be found, in addition to references to the Upper Essequibo, two special references I, p. 12, *cf.* p. 13. to the Penony as a centre for trade with the natives in orian dye, provisions, and so forth. Now, the Penony is the Rupununi, and the river here is used generally for the whole of the savannah district, as is shown by the extract quoted at p. 14 of vol. I of the Appendix under date 1706. This I, p. 14. extract forms one of those valuable lights on contemporary history which are thrown by references to common every day events. It vividly illustrates the familiarity of the Dutch with the Rupununi and the savannahs beyond.

The regular routes followed by the Dutch traders at this period in their journeys from their Colony to the Rio Negro and other tributaries of the Amazon are indicated on Map No. 5 in the Atlas annexed to this Case.

In 1714 the Dutch West India Company seem I, p. 14. to have decided that they ought not to be content with the results obtained by their trading agents, as described in the Kijkoveral Diary, and made a new attempt to establish their formal jurisdiction over the distant interior beyond the sources of the Essequibo and Rupununi. Their secret despatch on the subject has a reference to an earlier expedition, which was doubtless that of Grønewegen already mentioned. The secrecy observed is probably due to the knowledge that private traders in the interior might attempt to anticipate and thwart the expedition as interfering with their own profits.

Of the actual result of this expedition there is no record extant; but of the considerable trade of the Dutch on the Rio Branco, and further

south, at this time, there is conclusive evidence in the following extract from a Minute of 1719 issued by the Royal Council at Lisbon, which cites the following words of the well-known Governor Berredo:—

I, p. 18.

“The strong-house of the Rio Negro, which runs into the Rio das Amazonas . . . served merely as a charge on your Majesty’s Treasury, in the position in which it now is, as it leaves all the trade free to the Dutch, who introduce it with the greatest ease through the Indians subject to them, who communicate constantly with ours, to the notorious prejudice not only of our profit but also of the security of that Captaincy [*i.e.*, the Maranhão], as they provide every kind of commodities and every size of arms with great ease, . . . The Captain of the strong-house to whom, as he [Berredo] had exact information as to his intelligence, he had intrusted . . . the most important duty of the exploration of all the entrances of the Rio Branco, which discharges its waters into the Rio Negro . . . had now written to him reporting upon them, and at the same time stating that in faithful compliance with the orders of the Governor he was going in pursuit of a large convoy of Dutch commodities which was trafficking with our Indians of the nation of the Manáos in the head waters of the said river.”

This extract contains the earliest mention of the Rio Branco by a Portuguese. The “said river” at the close of the extract is the Rio Negro—the river which was mainly in the writer’s mind, and that on which the Manoa Indians chiefly resided.

Berredo went on to recommend that the strong-house then existing at the Barra do Rio Negro should be moved some twenty days’ journey up-stream beyond the watercourse of Yavapiri, “up to the river of the Dutch,” that is to say, to the Rio Branco, as is clear from the description.

At this time, and for many years later, the Portuguese were concerned only for the safety of the Rio Negro: they scarcely thought of the Rio Branco, and when they did it was as a Dutch river, the outlet for Dutch traffic from the savannahs to the north.

Alliance with Ajuricaba.

The above mention of the Manoas (or Mag-nouws, Maganouts of the Dutch) introduces an episode in the relations of the Dutch with the Indians of the Amazon basin, of which the history is somewhat obscure. It is the story of the Chief Ajuricaba and his defeat by the Portuguese.

I, pp. 22-27.

From the Portuguese side we have a comparatively full account of the alliance of

Ajuricaba with the Dutch; the best summary of it is found in Ribeiro de Sampaio's "Diario," of which a great part is printed in the Appendix; it is in the following terms:—

"Ajuricába was of the Manáo nation, and one of its most powerful Headmen. Nature had endowed him with a brave, intrepid, and warlike spirit. He had made an alliance with the Dutch of Guyana, with whom he traded by the Rio Branco, of which we have already spoken. The principal article of this trade was slaves, to which condition he reduced the Indians of our villages, by making formidable raids upon them. He infested the Rio Negro with the greatest freedom, flying the Dutch flag itself upon his canoes, in such a way that he made himself universally feared, and was the scourge of the Indians and the whites." I, p. 114.

On the Dutch side we merely have the story of the subsequent Dutch misunderstanding with the Manóas and the cursory reference to former friendship made by Storm van 's Gravesande in his "Treatise on the Posts" when describing the Esse-qui-bo district of the Colony:—

"Up in the river, on the banks of the same, but a good way up, there dwells the numerous nation of the Manóas, here called Magnouws, much feared by the other nations, and which, in the time of the late Com-mandeur de Heere, was so injudiciously and childishly driven away, badly treated, and for ever estranged from us, that the efforts made to enter into communication with it have hitherto proved fruitless—a political dodge of the Carib nation of which it would be thought incapable." I, p. 73.

The fact that Ajuricaba, whose head-quarters were on the Rio Negro, had fallen under Dutch influence and raised the Dutch flag shows how far at that early period the Dutch influence had spread. And the Portuguese soon began to realize that the alliance threatened the safety of their young settlements on the Rio Negro. In the course of 1723 they apparently made an effort to win over certain sub-chiefs of the Manóas, and later they attempted to persuade Ajuricaba himself to become a Portuguese subject. Ajuricaba, however, merely played with the Portuguese. He at first pretended to be friendly with them, and then carried off the greater part of their goods, mocked their troops, and openly attacked their mission villages. This state of affairs appears to have lasted two or three years, but in 1726 or 1727 the Governor of I, p. 22. I, p. 24. I, p. 25.

the Maranhão sent a special expedition, which resulted in the defeat and capture of the great Indian.

I, p. 28.

This defeat of Ajuricaba, and his subsequent death, gave the Portuguese their first definite hold on the lower waters of the Rio Negro, and set back the Dutch influence towards the Rio Branco alone; although even five years later the activity of the Dutch throughout the interior, and even to the banks of the Upper Amazon, is testified by the Council at Lisbon.

I, p. 28.
Foundation of Arinda.

I, p. 28.

In 1731, in obedience to a command of the Dutch authorities at home, Jacobus van der Burg was sent up the Essequibo with instructions to go as far as he possibly could and open up the trade with the natives. His first journey was abortive, owing to the state of the river; but in the following year he made a prolonged stay amongst the Indians, evidently in the savannah beyond the Rupununi. By 1736 he was sending down regular consignments of oriane dye, and a post had been established with the avowed object of extending the Company's trade (as that of private traders had already extended) as far as the Amazon. This post as from the beginning of 1737 appears regularly in the Company's muster-roll, and within five years is entered under the special name of Arinda. Although at first it was probably no higher up-stream than the mouth of the Siparuni, yet this situation sufficiently commanded the rest of the Essequibo and the Rupununi, and was well suited for the first position of an important trade post.

Vide II, Supplem.

Not long after the establishment of this post a further effort was made to develop the trade of the interior. This attempt, on other grounds also, deserves special notice.

I, p. 43.
Horstman's Expedition.

In 1739 one of the servants of the Dutch Company, the Surgeon Horstman, was dispatched with a well found party up the Essequibo. He took with him proper instructions (which are, unfortunately, not extant), and was evidently commissioned to put trade with the natives and Dutch relations with any neighbouring States on a permanent and satisfactory footing. He never returned to the Essequibo, nor did he furnish any report of his proceedings; but the account of his journey which he wrote for M. la Condamine has just been recovered, after being lost for about a century, and is annexed to

I, p. 46.
IV, No. 1.
IV, Préface.

this Case. He left Cartabo, then the seat of the Dutch Government, on the 3rd November, 1739, and on the 23rd November arrived at the Siparuni (Sibarona). Here he made a stop, and went seven days or so up the tributary to investigate the presence of crystals. Returning on the 18th December, he journeyed one day further up the Essequibo, and at a village of the "Parahans" (apparently a part of the Paravilhano tribe), which could not have been far from Ariinda, settled down for the dry season. From this place he certainly reported himself as late as the 2nd January, 1740, saying that he was "continuing his journey from the Post upwards." I, p. 44. He left his resting place on the 10th April, 1740, and on the 18th entered the Rupununi. On the 3rd May he evidently got to a point of the Rupununi close to the savannah, and from this point he shall tell his own story in the words of the narrative addressed to M. la Condamine:—

"On the 3rd I entered an *igarapé*, and after having I, p. 47. proceeded half-a-day we entered a place [?lake] which is full of trees, and after having proceeded until night I slept here.

"On the 4th I proceeded again up to mid-day in the said place until we reached the savannah, in which we had to drag the canoe.

"The 5th, 6th, and 7th we spent in dragging the canoe and the cargo overland

"On the 8th we entered the lake, in which we spent this entire day, and the next likewise, and after having passed an island we reached on the 10th another place, in which we spent the 11th, 12th, 13th, and 14th in again dragging the canoe and also the cargo, and we embarked again on the 11th and entered the great lake, called by the Indians Amucui, in which we proceeded constantly over reeds, with which the lake is entirely filled, and it has two islands in the middle; on the 12th, 13th, 14th, and 15th, we entered the River Pirara, in which we spent three days, and entered on the 20th the River Mao, in which river I went up for fifteen days, constantly among mountains, to discover a silver mine which they told me an Indian knew of, but after having had so much labour and passed some cataracts I found myself deceived and turned back and arrived on the 8th of June at the place where the canoe stayed, in which I remained two days, and on the 11th I came down stream, in which on the 12th I found a runaway Indian with his family from a village Aricari, on the Rio Negro, who showed or pointed out to me the route in Rio Parima, and I to him the route to the Dutch.

"On the 13th forty-four Indians ran away from the canoe, leaving me alone with four Mulattoes and four

Indians, with whom I came down the river and arrived on the 14th in the River Tacutu, in which I proceeded nine days, and after these were passed, I entered on the 24th in the River Parima, in which, just two days after my entrance, there stands a mountain which has a great lake on top, which I went to see, and I found fish in the said lake of the same sort as are in the same river, but the water is black in the lake and white in the river, and after having gone fifteen days further down the river I arrived on the 16th of July in the Rio Negro, in the village of Aracari, and after having passed such great dangers and difficulties of sea and wild Indians, with whom from the Parahans up to the entrance into the Rio Branco all the rivers are thickly populated, I was robbed and pillaged by a Carmelite Friar, a missionary of the said village."

I, p. 47.

The narrative just cited is incorrectly called by M. la Condamine an extract from a diary; this error is adopted by Baron von Humboldt, who evidently read the narrative amongst D'Anville's papers, and quotes it loosely on two or three occasions.

It is not unnatural that M. la Condamine should have treated Horstman as the discoverer of the route. Horstman himself made no such claim: he was merely the first man who had brought the knowledge of it to any one else besides the Dutch.

I, p. 44.

It was not till August 1740 that the Dutch Commandeur sent home news of Horstman as having left the Post on the 23rd May of that year, a date on which Hortsman himself states that he was in the Mahu. And it was not till the 3rd April, 1741, that further tidings were received at the Dutch capital of the Commissioner's progress: the message apparently came from him, but is difficult to reconcile with his later account: it stated that he had settled himself in the savannah and planted the Dutch flag there. Nothing more was heard of Horstman for nearly a year, and then the Company's creoles who had started with him in 1739 returned with a story which is best given in the Commandeur's own words:—

I, p. 44.

I, p. 45.

"It would also be very agreeable to me if I could give your Honours such agreeable news concerning the journey undertaken by the Surgeon Nicholas Hortzman and Christiaan Rijst to the Lake of Parima; but I must, to my regret, have the honour to inform your Honours that the four creoles who had made the journey with the aforesaid Hortzman arrived here on the 25th November and reported to me that

on their arrival in the Lake Parima, the Surgeon Nicholas Hortzman had navigated to the Portuguese; notwithstanding that a good compass and a map of the country had been given him; that he had tarried for some time with a priest at a brook flowing to the town of Pará; that the Governor of Pará being informed thereof, had caused them to be fetched, and when they came into that town, the aforesaid Nicholas Hortzman and Christiaan Rijst entered into the Portuguese service, when the four creoles were placed in gaol to constrain them also to abide there; but being again released, they found means in the night, with a small vessel, to get across the Amazon, and having suffered hardships for about five months on the way, they finally arrived here again, and Hortzman had probably sold to the Portuguese all the wares (little of which had been expended)."

This story only partly squares with Horstman's own narrative, the closing words of which, above cited, are so natural that there can be little doubt that Horstman did not wilfully desert from the Dutch but was robbed by the Carmelites on the Rio Negro, and prevented from returning.

However that may be, the really important result of Horstman's journey was that it first revealed to the Portuguese the course of the Rio Branco, and so suggested to them the possibility of extension on that river. Indeed, there is some evidence that Horstman himself was with I, p. 48. the Portuguese on slave-raiding expeditions up the Rio Branco, if reliance can be placed on the rumours reported by certain miners whom, in 1746, the Dutch Government had sent up the Essequibo to prospect.

Of this early attempt of the Dutch to prospect I, p. 48. for minerals far up the Essequibo we have only one notice. That the miners had been actually within the zone now in dispute, and probably far beyond it, is quite clear from the Commandeur's despatch. This may be inferred, first from the description of the "Calikko" mountains, which, without much question, indicates that they had penetrated to the Canaku range; secondly, from the reference to the Portuguese who, at this period, were far away from the neighbourhood of the zone.

It was about the same time that Tollenauer was sent up to investigate the question of the pyramid in another part of the interior near the Rupununi.

A year later the Company's Commandeur, who was now the zealous Storm van 's Gravesande, was impelled to take a new step in the administration

Dutch Company's Control extended.

- I, p. 48. of the Upper Essequibo and savannah district. The Indians complained of the conduct of the private traders, and took their own course for securing justice by killing two of them. Storm seized the opportunity thus given him to close the river to private traders for a time, but private
- I, p. 50. influence was too strong in the Court of Policy, and he almost immediately withdrew the prohibition. However, in 1750, the complaints of the
- I, p. 50. Indians against one Jan Stok became so serious that Storm urged upon the Company the renewal of the prohibition, at the same time issuing a warrant to the Postholder of Arinda for the arrest of Jan Stok wherever he might be found.
- Such occurrences showed the Commandeur that his post of Arinda was required nearer the centre of the inland trade, and in this same
- I, p. 51. year, 1750, he gave orders for its removal up as far as the mouth of the Rupununi. As will be
- I, p. 53. seen later, the removal of Arinda can only have been carried out in part at this time. Probably a sort of sub-post was made at first, conditions not being propitious for a permanent move.
- The extent of Dutch traffic in the region bordering on the Rio Branco, and the necessity for extending the control of the Company over the traders is shown by the letter of a Portuguese missionary dated the 25th June, 1750, an extract from which is worth citing :—
- I, p. 51. “In April of this current year I sent to the Rio Branco Sebastião dos Santos Valente with the Indians from the villages of this river who were required for parleying with and sending down natives to supply the villages whose population was found to be diminished by the epidemic of measles.
- “They reached the interior district of the Paravilhanos, twelve days up the said Rio Branco, and parleyed with the Headman of a village, called Dadará, who listened to their words ; but they had to wait because he wished to send word to some other Headmen who were allied with him to come down with him ; after waiting four days an escort of Dutch arrived consisting of three white men, five blacks, and a considerable number of Indian allies, and they began to fire upon our people, who defended themselves as best they could, and although there were none killed or wounded, it was nevertheless a serious blow to us, because the fresh Indians who were to come down deserted. When the Dutch were asked what they came for, they said it was to obtain slaves for the goods they brought, and to fight any one who interfered with their doing so. These Dutch came from the River Esquibo, where the Dutch

nation has a fortress and settlements. They can only come into our territory when the river is high, for then the plains are under water and can be navigated; but they cannot do this when the river is low, for the way by land is not only very long but has much risk and peril. I know that not a year passes when the Dutch do not carry off numbers of people from the Rio Branco, seizing some and obtaining others by barter; and unless they are prevented from returning hither they will soon become masters of the Rio Negro."

This is but one of several passages showing that the Dutch were in the habit of penetrating a long way down the Rio Branco in search of trade and slaves: it also shows that Dutch private traders were carrying things with a high hand: about the same time they seem to have come into collision with the Manoas. I, p. 53.

All this led up to the exercise of a more immediate control by the postholder of Arinda within and beyond the zone now in dispute. The Director-General's despatch of the 20th October, 1753, which specially refers to trade with the Portuguese along the Amazon, shows that, when a collision with the Wapisianas threatened the trade, steps were taken to protect the traders, as well as the friendly Caribs and Macusis, by an expedition under the postholder of Arinda. I, p. 61.

For the years that follow the record of the savannah district, on the upper Rio Branco, is one of uninterrupted Dutch trade and control, the extent of which is constantly admitted in Portuguese and Spanish official despatches.

For instance, in July 1755, the Governor of the Maranhão writes to his brother the Secretary of State at Lisbon, as follows:—

"The Dutch infest us, not only by the Rio Branco, but by all those which discharge their waters into this river, and go far to the north making for the vast plains which there are in that region; for from all the rivers I have received information that iron tools from that nation have been introduced therein, coming from its hands into those of the great nation, the Caribs, which here call themselves Maduacas, who not only infest us on our frontier, but go as far as the Orinoco, to attack the large domesticated villages, in which they have committed innumerable outrages." I, pp 63, 64.

And again in 1758 a Prefect of the Spanish Missions far away from this district reports:—

"I am unable to name all the nations which the Caribs pursue with the object of enslaving them. But I, p. 66.

the tribes dwelling on our frontiers, and the most generally known, are the Barinagotos, Maos, Maeos, Amarueotos, Camaraeotos, and Añaos, Paravinas, Guaieas, &c. The Dutch and Caribs, in order to go to those nations, ascend the River Essequibo, navigating it for full 20 leagues up-stream to a point where they have a post; then, on account of a great waterfall, they are obliged to drag the boat overland, and afterwards continue their navigation, communicating, if they wish, with the Rio Negro. Up stream from Essequibo, taking the right hand, runs the River Aripamuri; they meet some lagoons after navigating the Aripamuri as far as possible, and surmounting a portage of about half-a-league, and the River Mau running out of said lagoon, they descend by it and meet the Rio Negro. Descending the Rio Negro by turning to the left they get to the Amazon, and ascending the same river by turning to the right, they enter the Orinoco."

Again in 1762 the Governor of the Province of Rio Negro writes of the Paravilhanos who dwelt on the Rio Branco :—

I, p. 69.

"Through this event I do not fail to take notice of the fact that those Paravilhanos have a certain amount of arms, powder, and shot; it is manifest that the Dutch arm them, either by way of commerce or for some other purpose; and whichever it may be, it is always hurtful for us to have in our neighbourhood Indians so armed, and that these should be in the habit of selling the native races who are subject to his Most Faithful Majesty."

I, p. 69.

A despatch of the Director-General, dated the 22nd February, 1763 (which is more clearly understood when read in the light of the "Treatise on the Posts" to be mentioned presently), indicates definitely the fact that, up to 1762, the Dutch trade in the savannah district had been left chiefly to private traders, the Company intervening, as has been seen, rather to control it than to share it. In 1762, however, Joseph la Chau was specially commissioned to cross from Demerara to Post Arinda, and then up the Essequibo, to investigate the opportunities for development of the trade on behalf of the Company. This journey was for the time abortive.

I, p. 70.

About the same time, overtures were made by the Manos towards the renewal of their old alliance with the Dutch: these the Dutch Director-General was prepared to welcome, though, in consequence of the jealousy of the Caribs, he

had to proceed with some caution: he writes of the matter as follows:—

“I have informed the Chiefs of the Manoas, through I, p. 70. the Parhawaens, their friends, that we should welcome them and receive them well; that in order not to give umbrage they should, however, not come down stream in such great force, but that on arriving at the Post their Chiefs could come here under the escort of the Postholder or his assistant, whilst the others would wait there; and that the Caribs would not dare to do anything to them whilst they were under that escort. I am longing to see the issue of this matter.”

It is necessary to read carefully the “Treatise I, pp. 72–76. on the Posts” in order to realize the exact position of the Dutch in the year 1764 in the zone now under arbitration. The whole Treatise is of interest as explaining the Dutch system of control and administration in the outlying districts of their Colony; but it is only necessary to cite the part which deals with Arinda and the zone now in question:—

The Post above Essequibo, called Arinda, of entirely I, p. 72. different importance, lies about seventy hours (at a guess, because it has never been exactly measured) above Fort Zeelandia, up the River Essequibo, and, as it is thought, at about 4 degrees and a few minutes’ latitude north.

To get to that Post, several falls, some of them very large, have to be passed; they are not really very dangerous for those who have Indians in their boats who know the way, and accidents are seldom or never heard of, the few which happen being due to men’s own faults, drunkenness or the like.

The trade carried on there has hitherto consisted in red slaves and in Acuway and Ataray dyes, which, although very pretty to look at, have, up to the present, not been of any use.

Although the trade in red slaves might be made very profitable, it contributes but little to the importance of this Post, because, in addition to the latter being of great service in keeping up the communication and friendship with the inland nations, by means of which great discoveries might be made, it should also be stated that not very far above the Post two other rivers (called Sibarouna and Rupununi, the first of which is not yet very well known) fall into the River Essequibo.

But the second having a very extensive course, there is a place a few days’ journey above the Post where, by having the boat dragged for about three hours across a low and marshy land, we come into the Creek Meejou, also called Maho, which flows into the Rio Branco, and the latter into the Rio Negro, which, falling into the Amazon, can make communication with that great river easy.

Up in Rupununi there are found whole woods of

cocoa, some of which has been brought down on various occasions, and found to be as good as any other, and of which the monkeys and other animals now get the benefit.

Also, whole woods of wild cinnamon trees, which are as yet turned to little account, being, by reason of their mixed smell of cinnamon and cloves, called *Canella grossiata*; but this is due to the fact that no bark is brought down, except of very large and old trees, it being not yet long since a trial was made of cultivating the trees in Brazil, and the second bark of young trees, three or four years old, taken and found as good as that of Ceylon, mention of which is made in the proceedings of scientific Societies, and is confirmed by those who occasionally come here from thence.

In the same river, the great and famous, and, hitherto, so little known, crystal mine is of little importance in itself; but the unanimous testimony of writers concerning the precious mineral, and all the corroborative reports of the Spaniards from far up the Orinoco prove that this crystal mine is the mother of the emerald, which, being found there, and there only, can also be turned to profitable account.

The Essequibo itself (which is a remarkable fact), though remaining equally wide and large, is unknown a few days above the Post, no one having gone in this direction, which I believe to be due to the fact that the itinerant traders (ignorant folk, and mostly like the Indians themselves) resemble sheep and follow each other, without troubling themselves about discoveries or advantages which are still uncertain.

In accordance with the course of this river, which runs from south to east and south-south-east, it is thought, with some reason, that its source cannot be far from the Amazons, and that it perhaps even communicates with that river.

On a great savannah next to the river is the likewise famous, and so little known, pyramid, the existence of which is certain, all the Indians, without exception, confirming the same, though they are unable to give more than a rough description by reason of their being, through a deep-rooted superstition, afraid to approach it, saying it is the dwelling of the "Jaavaho" (the Devil is so called by them), and the itinerant traders, as superstitious as they, have as little courage to do so, whereby one can judge what kind of people they are.

* * * * *

Our itinerant trader, Jan Stok, has been so far up the river that he has seen the Missions of the Portuguese, but did not dare to approach them through a childish fear so common amongst the Indian traders.

It is indisputable that many discoveries of great importance might be made in that direction if things were well and properly managed. The costs necessary for the same would not be so great as might be supposed at a first glance. A good deal could be done with 1,000 rix-dollars if only we had capable folks.

The above extract furnishes a concise and vivid summary of the main facts upon which this chapter has so far insisted, viz., that the Rupununi was the regular route of the traders, and that the passage to the Rio Branco and Rio Negro was constantly used by the Dutch; it refers to the Manoas and their anxiety to renew their old relations with the Dutch, as well as to the far-distant Missions of the Portuguese, of which the Dutch traders are shown to have had knowledge. Besides the general productions of the district, the treatise mentions the crystal mine and the pyramid, which is doubtless that natural pyramid Ataraipu, which Schomburgk and Brown have fully described. The brief details of the trade done at the Post Arinda are sufficient to indicate its character.

The result of Storm's consideration of the trade of this district at this time was that he gave final orders for the definitive removal of Post Arinda up to the mouth of the Rupununi. He also decided to send an expedition up the Essequibo to look for the Taruma nation and try to find the source of the Essequibo. This last project no doubt failed; it would be stopped by the great fall since named King William IV's cataract, the difficulties of which are vividly described by Barrington Brown. This fall actually turned back the energetic Schomburgk, for whom it was reserved to reach the sources of the Essequibo about seventy years after Storm's expedition; to attain his object he had to work round by the savannah to the southward of the Rupununi.

I, p. 72.

Removal of Arinda.

Brown, "Canoe and Camp Life," p. 235

The Dutch Governor's instructions to the postholder at Arinda which were evidently revised at this time, also deserve careful study. Apart from minor duties he was required to preserve peace amongst the Indians, to arrest all foreigners who entered the sphere of Dutch influence, and to keep control over all traders. It will be noticed that traders were required to carry a pass which they were bound to show to the postholder. Very significant is Article X of the instructions, which distinctly forbids the passage of private traders up the Essequibo proper, and turns traffic along the Rupununi, the recognized waterway to the savannahs where it was more under control.

I, p. 76.

It was at this time Storm's intention either to move the Post still higher up or to establish another Post so much higher up that he could

I, p. 77.

“receive detailed reports of all the movements made by our neighbours in the interior.”

I, p. 79. The influence of the Dutch Government over the Indians in the zone is well illustrated by an incident which occurred in 1765. The general trade of the Rupununi district was interfered with by a war between the Macusis and Wapisianas; these two tribes, in spite of the ill-feeling between them, both alike welcomed the proposal of the Arinda postholder to come amongst them. At almost the same time the power of the postholder in the districts near the Post is illustrated by the fact that the mere presence of his subordinates sufficed to keep the peace between the Caribs and Akawois on the Essequibo itself. His care for this affair delayed the removal of the Post.

I, p. 79. This influence over the Indians in the interior was so complete that the postholder had made arrangements with them for the arrest and deportation of any strangers in the interior, as directed by his instructions. When towards the close of 1766 the presence of a small Portuguese patrol in the reaches of the Maho—*i.e.*, the Takutu—(clearly the patrol of Agostinho Diniz, which will be mentioned in a later chapter), was reported to the Dutch authorities, they at once sent up a Carib chieftain to investigate the matter.

I, p. 87. An incidental confirmation from Spanish sources of the Dutch trade on the Rupununi at this period is worth a passing reference. It will be found at p. 87 of the Appendix.

I, p. 85. The documents of 1769, particularly Storm's despatch of the 3rd June, give a full account of a Dutch expedition from Arinda up the Rupununi to the crystal mine in the country of the Wapisianas. The account is remarkably clear and trustworthy: the weary journey up the Rupununi in low water is exactly like that described by im Thurn more than a century later: the account of the passage through, first the Macusi country, and then that of the Wapisianas, accords exactly with the geographical position of these two peoples. The description of the Wapisianas as living “near the Crystal Mine on both sides of the River Maho,” combined with the description of the river as quoted from the postholder, proves that this Crystal Mine was in the Canaku (Calikko) range; and that the Maho of the postholder was really the

Jansse's Official Exploration.

im Thurn,
“Among the In-
dians of Guiana,”
pp. 26, 27.

Takutu. Storm's reference in this despatch to D'Anville's Map creates a confusion with the postholder's description, but his comments show that he is not really thinking of the Ireng (Mahu). The route followed by the postholder on this occasion is indicated in blue on Map No. 5 in the Atlas.

The actual results of Jansse's expedition are so interesting that they are worth citing at length:—

“The postholder coming to the Wapissannes, who I, p. 86. had not seen a white man since the affair with Marcan, and who were thus in want of all European things, was received exceptionally well, and coming to their Chief and seeing about ten muskets standing there, but no powder or shot, he presented him with a bottle of powder and some small shot, by which he at once gained his entire friendship.

“This nation lives in the savannahs by day, but at night in inaccessible rocks and cliffs, where they have their houses and caves, all the approaches to which, however steep, are still defended by pallisades through fear of the powerful nation of the Manos or Magnauws, with whom they are always at war.

“He also found there the nation of the Parhavianes who were still living up in Essequibo in my time, and who, being too greatly molested by the Caribs, removed thither.

“This place being really his destination he stopped there for a few weeks and carefully investigated everything. When he wished to dig up the crystal which grows there in many places in a red dry soil, the natives would not allow him to do so, saying that they would give him crystal enough; he did bring some with him, but only small pieces, there being only one piece as large as half a fist.

“They said to him, ‘You are looking for something else than crystal, but that you will not find here, but with our neighbours across the Maho who sell those stones to the Portuguese.’ He replied, ‘I will willingly pay for them, too; I want nothing for nothing, and shall go there.’ This they prevented him from doing, saying, ‘They are a wicked nation, they will kill you, but we will manage to get some of those stones for you.’

“The postholder thinks with me that this opposition only springs from trade jealousy, they being afraid that they would lose that trade and that it would all go to their neighbours, or that they only pretended it was so, and that they knew the mines themselves, especially since they strictly forbade him to search or to dig; there was nothing to be done here by force, so that he was obliged to be satisfied with noting everything narrowly and with wandering about the place, which they allowed him to do, but always with a few young Wapissannes by his side. The land there consists mostly of high mountains and rocks, bare, without trees

except some small shrubs here and there, and great savannahs."

I, p. 86.

The report evidently so impressed the Director-General that he gave Jansse full instructions for further expeditions to the Wapisiana country with the further object of crossing the Takutu (Maho, as he called it), and reaching the neighbouring natives, presumably the Manoas.

The most striking episode in the history of the Rio Branco district at this period—that is to say, the ejection of the Spaniards who had made their way into the upper tributaries, and the foundation of Fort São Joaquim—belongs to the Portuguese side of the story. Although it was brought about by the Dutch postholder of Arinda, it did not interfere with, or directly concern the relations of the Dutch with the district. It will be referred to in the next chapter of this Case.

The history of the Post of Arinda continued to be uneventful and unruffled.

I, p. 117.

When the postholder Leclair (or Leclerc) failed to report himself for a lengthened period, the Director-General of the Dutch Colony treated him as a deserter, and appointed a new man in his place. Leclair's subsequent message to the Director-General and proposal to open a through trade with the Portuguese had no result, so far as the records show.

I, p. 126.

Towards the end of 1776 the Portuguese sergeant, Michael Arcanjolo, and his three comrades deserted from Fort São Joaquim to Dutch territory, were treated as trespassers, sent down to the fort at Zeelandia, according to the tenour of the postholder's instructions, and subsequently deported to Europe.

I, p. 134.

The Government journal of 1778 gives an excellent picture of the work done at Post Arinda at this period. Passes are given to traders for the savannah district. Justice is administered to the Indians. A Head Chief of the Atorais, who at this time lived between the Takutu and the Rio Branco, being troubled by the Portuguese, obtained credentials from the Dutch Governor which show that his tribe was considered by the Dutch as within their sphere of influence. The passage in which the Director-General records the fact is as follows:—

I, p. 135.

"Further, he [the Postholder] informed me that an

Attorai Owl, named Taumaii, arrived at the Post on the 22nd August, saying that he wished to come to me for a letter that he is a comrade of ours, since the Portuguese would not otherwise leave him in peace.

"The said Owl has, when coming here from the Post, had the mischance to go down the first fall with his vessel, whereby all his goods were lost, and a mulatto named William Boudewyn Backer, who was a friend at the Post and accompanied him, was drowned.

"Afterwards, I gave the said Owl a letter as follows:—

"‘We, Mr. G. H. Trotz, Director-General over the Colony of Essequibo, Demerary, &c., make known:

"‘That a certain Attorai Owl, named Taumaii, has addressed himself to us requesting this certificate, which is this, that the said nation is recognized as our friends and neighbours, and has liberty to do business in our Colony.

(Signed) "‘G. H. TROTZ.

"‘*Essequibo, September 19, 1778.*’"

Another Government journal a few years later I, p. 159. (1785–6) forms a similar link in the history of Arinda; and another in 1790 carries on the record. I, p. 201.

But the activity of the Dutch in these regions and the existence of Dutch influence over the zone now in question during the period covered by these occasional reports are better illustrated by Portuguese documents, from which it is worth while to quote a selection of passages.

Dutch Domination of the Zone.

The Governor-General of Grão Para, who was then on the Rio Negro, writes, on the 21st July, 1781, as follows:—

"With regard to the other question concerning the I, p. 141. communication of the Dutch towards the same Rio Branco, it was ascertained that this consists only in the fact that they maintain it with the Caripuna Indians, who inhabit the neighbouring hills, for selling by barter or in exchange for the arms, tools, and other goods which they bring them, the Indian slaves whom they seize with savage cruelty from the adjoining tribes."

The Commandant of Fort São Joaquim, reporting to the Governor-General on the 1st July, 1784, writes, apparently of the Paravillanos and of some spot not far north of São Joaquim:—

"The said Headman, setting out on the 18th of I, p. 146. the said month, forwarded here to me on the 3rd of last month the two Indians in a small canoe with news that in the same district a Dutch black was going about in company with natives of the Caripuna nation, who are continually occupied in enslaving all these

tribes to sell them to the Dutch; and it is clear that he has carried off a good number belonging to our extinct Settlements, many of the said persons being baptized, which causes us great regret."

And again on the 20th November:—

I, p. 156.

"On the 11th, the same corporal set out with the escort of twenty-four soldiers along the River Tacutu to continue the same task, with all manner of recommendations to carry out your Excellency's order with regard to the Dutch traders, of whom the Headman Miquiapá says that these are they who have circulated a very venomous story, telling all these tribes that they are not to trust us; that we deceive them; all this for the purpose of not losing their business, which is what the miserable natives do not understand."

Again, on the 6th January, 1786, the Commandant writes to the same effect:—

I, p. 160.

"The most recent news that I had of the said Headmen was that they were in the neighbourhood of the ranges inhabited by the tribe of the Macoxis and Carepunas, which nations are most attached to the Dutch, by whose means they carry on the most atrocious trade in slaves, among whom are unfortunately included a number of persons from those already baptized, belonging to our Settlements, after the desertion thereof."

And in August of the same year he sends a report from the subordinate officer in charge of the Portuguese operations for bringing in Indians, in which the following passage occurs:—

I, p. 172.

"When I inquired where the before-mentioned Headmen Maranari and Cupita resided, he answered that Maranari lived at the mouth of the Rupunuri, with two Dutchmen, who live there for the preservation of the Caripuni nation, whom one day I saw lower down: and he told me that Cupita lives on an arm of the River Cuitarn, which branches off from the Rupunuri, and that all had been at one time in the lands of the Aturais before they set about making that slaughter among the Uapixanas of which we had had information, and on that occasion they took prisoners fifteen women and some children, with whom they had returned to their respective abodes. I asked him further why they kept the said Paravilhanos in their lands, and he replied that they had already sought to cast them out, but that the order of the Governor of Essequibo with respect to the said Paravilhanos was that they should make no account of them nor afford them any protection, but also that they should not run after them if the Portuguese came there, and the said Paravilhanos should, of their own accord, seek to go with them, but let them go. He said, moreover, that, by order of the said Governor, issued to the

nations annexed to that Power, that if perchance they were to injure any Portuguese person, they would be as severely punished as if they had injured the Dutch nation itself."

Particular attention is called to this last extract; it shows what a hold the Dutch had over the natives in and beyond the zone now in dispute; it makes it clear that the natives readily submitted to this control.

On the other hand, the following passage from a letter of the 31st December, 1784, shows that at this period, the Portuguese recognized that the territory now in dispute was under Dutch influence to such an extent that it could not with safety be even claimed as part of the Portuguese dominions:—

"Since, according to what the corporal tells me I, p. 156. of the place in which he met that stranger, while he was among the mountains near the River Rupunuri, and there in a Settlement of Caripuna Indians more friendly with the Dutch than with us, it may be doubted whether such district belongs to the Portuguese dominions; taking that circumstance into consideration and that the aforementioned person had not yet acquired any slave, although I know that such dealings and practices, notwithstanding the very great distance, are always harmful to the Royal interests of Her Majesty; I have nevertheless resolved that the said Dutchman with the two Indians who accompanied him, be replaced in the same district and thence be compelled to embark, without fail, from the most convenient spot and proceed down stream, so that they do not tarry and have an opportunity of continuing the attempted business, which, with all those harmful practices, should be stopped in conformity with what I have advised you and earnestly enjoin upon you again; but yet those seizures are only to be made when such dealers come and enter into the recognized Portuguese districts, as I sufficiently gave you to understand when I replied concerning the blacks."

Attention is also requested for two interesting statements from Spanish sources.

In a letter to the Intendente of Carácas in 1778, Father Silvestre writes as follows:—

"And the reason why the traffic of the people of I, p. 134. Essequibo exceeds that of the Portuguese in that part of the Parime is because they communicate through the River Essequibo, and the last guard of the Dutch, which is called Arinda, was distant, at most, 30 leagues from the lake; from which another reflection may be drawn that if the hill Parime, or Dorado, which is the

same, be of great richness, the Dutch will not fail to exploit it, having such means and such alliance with the natives of that part."

A Spanish officer, who had considerable knowledge of the interior, writing of a Spanish project in 1790, says :—

I, p. 204.

"The Dutch have trading-posts established at the sources of the Essequibo for the traffic of poitos or slaves. And they themselves make incursions with the Caribs, by way of the Massuruni, for the purpose of kidnapping slaves. And so jealous are they of any other nation obtaining any information concerning the country that they take great care that no one should enter it not of their nation. So there are only Dutch and Caribs.

"To restrain in some measure such a disastrous state of things, it would be much to our advantage to acquire the friendship of the Macusis, a considerable tribe, and the largest that dwells in the interior of the country."

The year 1791 is the last in which there is an absolute record of the maintenance of the Arinda Post; but this is probably due merely to the imperfection of the records; there is no sufficient reason for doubting that it existed up to 1796—the year when the British for the second time took the Colony of Essequibo and Demerara.

British Administration.

I, p. 205.

The change of hands, naturally, created a break in administrative arrangements; but the actual control of the upper river was maintained, as is indicated by the case of the two Portuguese who, in 1797, received a passport allowing them to return up the Essequibo to Barra do Rio Negro. The tenure of the British was interrupted from 1802 to 1803: and although the appointment of a postholder for "the Upper Essequibo" was made in 1804, it was not till a few years later that the new owners of the Colony began to realize their duties in regard to the more distant interior.

I, pp. 208, 209.

I, p. 209.

In 1807 the intervention of the British was required some distance up the river; and in the early part of 1810 the visit of a messenger from a great Carib Chief beyond the Rupununi called the attention of the Government to affairs in the far interior. The Chief himself followed about six months later, and the consequences of his visit were of some importance.

Manariwan, Manarwan, Manowara, Manarroc, Manerwa, are the different forms in which this

Chieftain's name appears in the records of the Colony, and Schomburgk has the form Mahanarva, while Brown has Manarowah. It is clear from the language that he held in 1810 and 1812, that he had long previously had friendly relations with the Dutch, and that he was acknowledged, at any rate in time of war, as a sort of over-lord of all the tribes living in and around the zone now before the Arbitrator. He was probably the same person as the Maranari who is mentioned in a Portuguese report of 1786 as living "at the mouth of the Rupununi, allied with two Dutchmen, who live here for the preservation of the Caripuna tribe," and as the Maniwari, who in 1778 was amongst the many Chiefs who came down from the interior and received insignia of office from the Dutch Government.

Brown, "Canoe and Camp Life," p. 235.

I, p. 219.

I, p. 172.

I, p. 134.

This Chieftain was received in audience by the Governor and Court of Policy on the 29th October, 1810. On this occasion the Government of British Guiana decided to resume the old Dutch custom of giving annual presents to these Indians, but insisted that they, on their part, should relinquish the custom of making war on other Indians and of selling prisoners, and that they should behave peaceably and amicably towards the whites and others, looking to the Government to redress any wrong done to them.

The acceptance of this obligation to keep the peace in the distant interior, and the submission to the new policy of Great Britain as regards the abolition of slavery amongst the Indians, form the strongest possible proof that British authority was henceforth to be paramount in the interior and over parts at least of the various savannah tribes, Macusis, Wapisianas, and Atorais. The Colonial Government, in order to obtain more definite information as to the portion of the Colony from which the Chief came, dispatched an expedition to verify the Chief's statements and report upon the tribes. The expedition was composed of Mr. D. P. Simon, Mr. M. D. van Sirtema, and Dr. John Hancock. Mr. D. P. Simon was Marshal of the Courts of the Colony and a Captain in the Colonial Militia, Mr. M. D. van Sirtema was Fiscal of the Colony and official translator, Dr. Hancock was a medical man and naturalist, who was in practice at Pomeroon.

I, pp. 210, 213

I, pp. 210, 211, 214.

II, Partie i, p. 26.

The Commission left Georgetown in November 1810, and arrived in the zone now under

The Commission of 1810.

discussion early in 1811. They spent a considerable time within this zone, and ultimately went as far as Fort São Joaquim. Dr. Hancock was already at the fort on the 26th March, as he records taking astronomical observations there on that day. And it is pretty clear, from the belated letters of the Governor of Rio Negro, which are printed in the Appendix, that Mr. van Sirtema and Dr. Hancock left the fort on, or soon after, the 19th May, 1811, in order to return to British Guiana. They had evidently wished to advance from the fort further into the Portuguese territory, but had been unable to obtain permission to pass beyond São Joaquim. Dr. Hancock himself has recorded July 1811 as the date of their return to headquarters.

II, Partie i, p. 54.

I, pp. 211, 212.

II, Partie i, p. 6.

What these Commissioners actually did in the way of exploration or inquiry can now, in the absence of their reports, which are, unfortunately, no longer extant, be only discovered from—

Atlas, No. 19.

II, Partie i,
pp. 5-7.

II, Partie i, pp. 1, 3.

II, Partie i, p. 53.

I, p. 219.

(a.) Dr. Hancock's Map, and the brief references to his Report contained in his book, in his notes for a journey up the Essequibo, and in his letter to the Royal Geographical Society.

(b.) Mr. van Sirtema's paper given to the Acting Governor of British Guiana in August 1813.

From these it may be gathered that a rough survey was made of the whole country east of the Takutu as far as the banks of the Rewa or Quitaro, towards the sources of which the seat of the Chief Manariwan is placed; Hancock's is the first map which marks the great pyramidal hill Ataraipu, or, as he calls it, "Toriporo"; the survey did not extend to the northern part of the zone now in question. A good general knowledge was also obtained of the Indians living in this part of the country.

III, p. 88.

II, Partie i, p. 53.

Sir R. Schomburgk in an early letter states on hearsay that this Commission planted a boundary pole at Pirara. The story seems most improbable, for Hancock's rough map does not mark Pirara village, and in his circumstantial and argumentative letter of 1840 (?) he would surely have mentioned the fact, if it had been so. On the contrary, he clearly asserts a claim which goes far beyond Pirara, and beyond the western boundary of the zone which is now the subject of arbitration.

II, Partie ii, p. 22.

The Brazilian Government, in their diplomatic

Memoranda, appear to assume that the action of the Commissioners in going to Fort São Joaquim was an admission of Brazilian authority in the zone now in question. There is no warrant for such a view. Rough as Hancock's Map is, it clearly indicates that all the region between the Takutu and Rupununi was deemed to be British territory. And Hancock's own words, though written long afterwards, are conclusive as to his view of British rights :—

“To Mr. Schomburgk is due the merit of having brought this subject fairly before Her Majesty's Government. After detailing a case of the most flagrant injustice on the part of some Brazilians at Pirara to which he was an eye-witness, that gentleman observes that those extensive savannahs which stretch out east of Pirara and the Rupununi have never been in actual possession either of the Portuguese or the present Brazilians. This is perfectly correct, and I am not aware of any shadow of a right by which they are entitled to them; but I would go still further: I cannot agree with him in the proposal to surrender to Brazil the territory west of Rupununi and beyond (below) the third northern parallel; nor can I see that nature points out the Sierra Acarai as the boundary of British Guiana on the south.”

* * * *

“On the Spanish maps the mouth of the River Tackotn, where it joins the Branco (at Fort St. Joaquim), was projected generally in about 20' south latitude; whereas such junction is in 3° 2' north. Thus, an error of latitude was committed of as many as 232 English miles, being that distance too far south, to say nothing of the error in longitude, which placed it much too far to the westward. The confluence of these rivers, as assigned it on the map of La Crux, falls within the limits of the fabled Lake of Parima!

“It was, doubtless, under such misconception, that the Portuguese were emboldened to carry their ‘frontera’ as far beyond their proper limits as Fort St. Joaquim. At the time of our visit, indeed (with my companions, Captain B. P. Simon and M. D. van Sirtema, in 1811–12),* they still believed, or affected to believe, that the fort was little, if at all, to the northward of the line, and they seemed surprised when I told them that it was above 3° north.”

* * * *

“The disputed territory eastward of the Branco, I may now observe, consists partly of savannahs, adapted only for pasturage. Amongst the mountainous parts, however (such, especially, as the Conoko range), there is some of the most fertile and productive soil imaginable.

* Hancock's memory slipped by a year: this date should be 1810–11.

The Brazilians have no cultivation or settlement here, and only a few small hamlets, under the name of Missions, on the Rio Branco. In fact, their pretence of civilizing the Indians has been maintained only with a view to enslave them, which, indeed, they have effected by wholesale—their St. Joaquim, being little better than another Sierra Leone for the trade in human beings.”

I, pp. 215, 216.

It will not be amiss in concluding this account to cite, in support of Hancock’s views, the almost contemporary testimony of the naturalist Waterton, who, in April 1812, left Georgetown for the interior and travelled up the Siparuni and its branch the Burro-burro, and then overland to the zone now in question, and so to Fort São Joaquim. He did, indeed, find Portuguese soldiers and Indians building a canoe somewhere near the Pirara; but in his narrative he treats the “Portuguese frontiers” as something beyond, and southward, of this river. The commandant of the fort took practically the same view. He informed Waterton that he had received orders to allow no stranger to enter the frontier, but at the same time he suggested that Waterton should land at a place only a short distance from the fort, apparently on the Takutu, not far from its junction with the Rio Branco.

Summary of Chapter.

It will be convenient at this point, and before passing on to an examination of the Portuguese advance towards the territory now in dispute, to summarize the results of the foregoing review of the Dutch occupation of the savannahs beyond the Rupununi.

Within about twenty years of their establishment on the coast at Essequibo, that is to say, before the year 1638, the Dutch had discovered and begun to use the inland waterway to the Rio Branco. Before the end of the century they had established a regular and considerable trade with all the tribes of the savannahs between the Rupununi and Rio Branco, and their influence extended to the banks of the Rio Negro itself. This wide extension of Dutch influence gradually alarmed the Portuguese, who aimed at it a serious blow in defeating and subduing the great Dutch ally Ajuricaba. The year 1727 may be considered as marking the restriction of Dutch influence to the Rio Branco only.

In 1737, the Dutch Government took its first effective step towards regulating a trade which

had hitherto been carried on largely by private traders; the Post Arinda was established near the mouth of the Siparuni. In 1751, the removal of the Post Arinda to the higher position at the mouth of the Rupununi was begun, though it does not appear to have been final and effective till 1764. The removal of the post to such an advantageous position seems to have been followed by the general consolidation of Dutch trade and influence in the upper part of the savannah area, and it is probable that from this time the retention of their lower Rio Branco trade became less important to them.

The Dutch explorations in 1769 in the whole zone now in dispute gave them a complete hold upon that district and the natives which inhabited it. The foundation of the fort São Joaquim by the Portuguese on the upper Rio Branco in 1776, though in fact an intrusion on the Dutch sphere of influence, did not interfere with Dutch trade and Dutch influence in the still somewhat distant district which is now the zone under discussion.

In the map prepared by J. C. van Heneman Atlas No. 17. about the year 1801, not improbably for the use of the Dutch envoys at Amiens, the line of demarcation between Dutch and Portuguese territory claims all and more than all the territory now in dispute, so far as this is comprised in the map.

It is clear from early reports that British I, p. 207. officers looked upon the Colony as extending southward somewhere near the Amazons; and when in 1810 the old Indian ally of the Dutch claimed British friendship there was no hesitation, even though the Colony had not been formally ceded, in asserting British influence and control over the peoples inhabiting the country between the Cotinga and Takutu on the one side and the Rupununi and its tributaries on the other.

CHAPTER IV.

PORTUGUESE ADVANCE TOWARDS DISPUTED TERRITORY.

The object of the present chapter is to investigate the history of the Portuguese advance from the banks of the Amazon to Fort São Joaquim, near the confluence of the Takutu with the Rio Branco, and the value of the Brazilian claim to any territory north and east of that point.

As late as 1637 the course of the Amazon was practically unknown to the Spaniards or Portuguese. Early in that year two Spanish priests, who had started with a party from Quito, more venturesome than their companions, came down the Rio Napo in a small canoe, and so down the Amazon to Para. The result of their arrival was the mission of Pedro Teixeira to explore the route by which they had come down. Leaving São Luis de Maranhão on the 25th July, 1637, Teixeira made his way successfully up to Quito. On his return journey he was accompanied by Father Christoval d'Acuña, who left a complete account of the expedition.

I, p. 2.

Teixeira's Expedition.

Already, in the previous Chapter, the narrative of Padre d'Acuña has been cited to show that the Dutch were, even in 1639, masters of the interior trade of the country north of the Rio Negro. It may be referred to again as showing that in this year, for the first time, the Portuguese (who were then subject to Spain), in the suite of Pedro Teixeira, became aware of the existence of the Rio Negro, and of an unnamed river which, though described as "an arm that goes to cast itself into the river called Rio Grande," was probably the Rio Branco; it would be easy for them to confuse the inland connexion of the Rio Negro with the Orinoco and that of the Rio Branco, by way of the Pirara, with the Essequibo. This last was the route of the Dutch trade of which the Portuguese then learned. It is noteworthy that Teixeira appears to have been guided by the Dutch pilot, Matthijs Matteson.

It was on this occasion (1639) that Pedro Teixeira took possession of the Rio Negro in the

name of the King of Spain, whose sovereignty was not thrown off by Portugal till 1641.

Some twenty years later (1660) the Jesuits seem to have made their way as far as the mouth of the Rio Negro, but it was over thirty years more (after 1690) that the friars of the Portuguese Carmelite Mission effected a definite entry on the banks of that river.

About the year 1695 the interests of Portugal had so increased in that neighbourhood that their possession of the Rio Negro was marked by the erection of a fort near its junction with the Amazon—the Barra do Rio Negro. This fort was mainly directed against apprehended advances of the Spaniards on the west, as may be seen from the report of Antonio de Miranda, who I, p. 8. was sent up to inquire into allegations of such advances. From this report it appears that the Portuguese Government was beginning to exercise some control over the natives near the mouth of the Rio Negro, being anxious to use them as a barrier against the power of Spain. Quite incidentally de Miranda found that these natives had trade with the Dutch; but the head-waters of their river, from which the goods were said to come, were evidently far outside his ken.

Erection of the Barra do Rio Negro.

The report of the Governor Coelho da I, p. 10. Carvalho, two years later (1697), shows that the district lying around the mouths of the rivers Madeira, Negro, and Urubu was, for practical purposes, the limit of Brazil on that side. He had learned at the Rio Negro of the regular trade of the Dutch, coming overland, and, as he states, from “the Orinoco”—apparently again a mistake for the Essequibo; and he left instructions intended to preclude the Dutch from trading in the villages acknowledging Portuguese sway. This cannot be taken as a prohibition extending further than the neighbourhood of the fort at Barra do Rio Negro. The rest of this river was at that time practically unknown to the Portuguese.

It was not, in fact, till 1719 that some effective steps were taken to reduce anything more than the mouth of the Rio Negro into the effective possession of the Portuguese. Pereira de Berredo, I, p. 18. the new Governor of the Maranhão, after a careful consideration of the condition of the provinces under his government, reported that the fortress on the Rio Negro, in the position that it then occupied, was merely a useless charge on the

Treasury, as it left the whole trade of the river to the Dutch, "who introduce it with the greatest ease, through the Indians subject to them." He sent an officer to the Rio Branco to investigate the various "entrances" or mouths of that river, and, as a result, proposed to shift the fort from Barra do Rio Negro to above the Yavapiri, that is, practically, to the mouth of the Rio Branco. The whole despatch shows not only how very vague was the knowledge of the Rio Branco possessed by the Portuguese at that date, but also that the Portuguese Governor regarded it as being so entirely under Dutch control that he could speak of it as "the river of the Dutch."

I, pp. 18, 19.

The King of Portugal, in response to the report of Berredo, ordered the removal of the fortress from the Barra, provided it was done at the charges of the Captain of the fort. The change, however, was not carried out.

At first sight the ignorance of the Rio Branco shown in the despatch just cited appears to be inconsistent with two statements made in the documents in the Appendix to this Case.

I, p. 65.

The first of these statements is contained in the heading of an "Account of the Rio Branco," dated 1755, which speaks of Francisco Ferreira as having spent upwards of fifty years in the navigation of the Rio Branco. Supposing there is no error in the number of years mentioned, the explanation of the statement is to be found in the fact that Ferreira had really been on the Rio Negro for many years before he entered the Rio Branco, and that the words of the heading referred to are a mere confusion: the statement is quite inconsistent with the tenour of the contemporary documents above cited. It is quite possible that Francisco Ferreira's journeys into the Rio Branco began soon after 1719; but certainly at that date, when Berredo left the government, the river was barely known to the Portuguese. Berredo refers to the Rio Branco in his Annals as a stream, evidently almost unknown to the Portuguese, which bounds the Dutch Colony of Surinam.

I, p. 26.

I, p. 129.

The second statement which requires notice is the story brought up by Ribeiro de Sampaio both in his Memorial and his formal report, of the trade carried on with the Dutch by Fray Jeronimo Coelho, a Carmelite: this story brings in the Rio Branco and Takutu. There is absolutely no contemporary record supporting the inference

which Ribeiro de Sampaio suggests,—for he does not quite go so far as to assert that Coelho had personal knowledge of the Takutu. But it can be shown that Coelho was stationed near the Barra do Rio Negro in 1720, and that he very probably was one of the friars accused of encouraging the Dutch to trade down to that point. There is, as has been seen, ample testimony to the trade done by the Dutch as far as the Rio Negro. The story in question, like the rest of Sampaio's history, as will soon be shown, is entirely untrustworthy.

It is clear that in 1723 the villages on the Rio Negro were still the frontier villages of Brazil in this direction, and that they were at this time considered to be in extreme peril from the Dutch allies, the Manóas, who completely checked Manoel de Braga's slaving expedition (*tropas de resgate*). Indeed, the fear of the Portuguese authorities in that year was that those Indians would, under instigation of the Dutch, actually cross the Rio Negro into the undoubted dominions of Portugal. I, p. 22.

A few years later, however, the Portuguese made a distinct step in advance. In 1727 Paes de Amaral, and his successor Belchior Mendes de Moraes, operating against the Mayapena along the Rio Negro, destroyed the power of Ajuricaba, who seems to have been overlord both of that tribe and the Manóas. From that time Portugal gained a firm footing on the Rio Negro, and probably began to make use also of the lower waters of the Rio Branco. I, pp. 24, 25.

First Portuguese Successes.

By 1730 the Carmelite Missions had spread to several points on the south bank of the Rio Negro, and the missionaries were not unfrequently in conflict with the *tropas de resgate*, which were partly intended to serve them, but really were turned into slave-raiding expeditions.

The general direction followed by the *tropas de resgate* was along the Rio Negro and towards the Japura; and there is no record of any authorized expedition departing from the ordinary route. But there were not unfrequently unauthorized expeditions, which caused some annoyance to the Portuguese authorities; and one of these in 1740 took a new direction, and gave the Portuguese, for the first time, knowledge of the main stream and the western side of the Rio Branco. This expedition was evidently organised by some of the bolder spirits set loose I, pp. 29, 30, 37-42.

I, pp. 99, 100.

by the completion of Lourenço Belforte's expedition up the Rio Negro; they were doubtless led to the enterprise by the accounts extracted from Nicolas Horstman, who arrived at Aricari on the 16th July, 1740. A full account of the route of this expedition is extant in the affidavits of two witnesses who had been with it. A portion of the expedition appears to have got as far up as the first cataracts of the Rio Branco before leaving the main river; and later, after long wanderings overland, found their way to the head-waters of the Caratirimani, and thence to those of the Mocajahi, where they seem to have turned back on their tracks and so returned home. Their route is indicated on the Map No. 5 of the Atlas which accompanies this Case. On this expedition the Portuguese reached the furthest point to which they actually traversed the Rio Branco till nearly thirty years later.

The year 1750 may be said to open a new era in the advance of the Portuguese in the district of the Rio Negro. This was due mainly to two causes working concurrently.

I, p. 65.

On the 25th June, 1750, the principal missionary of the Rio Negro reported that a priest whom he had sent up the Rio Branco to the Paravilhanos, some twelve days' journey up the river had encountered and had a collision with the Dutch from Essequibo. It may be inferred from his language that his attempt in this direction was rather a new one, if not quite the first of its kind. As a result of a comparison with a later report, the point at which the collision occurred may be approximately fixed in the neighbourhood of the tributary Yarani, or Ayarani. The missionary regarded the results of the collision as likely to be very serious, leading to the extinction of the Portuguese villages on the Rio Negro.

I, p. 53.

The Governor-General of the Maranhão was required to report on the incursions of the Dutch in this region, and his despatch in reply contains the first mention of the Takutu found in any Portuguese document, obviously confused in geography, and probably based upon information obtained from Horstman, which was only partly understood.

I, p. 56.

The result of this report was the Royal Order of 1752, that a fort should be placed on the banks of the Rio Branco in such position as

should be found most suitable on examination. This order, which was dated the 14th November, 1752, is the first definite claim of the Portuguese Government to the Rio Branco, which is therein claimed as belonging to the dominions of Portugal.

As regards the fort, no action was taken. A I, p. 56. Minute of Council of the 16th April, 1753, in which the Governor's report on the order was considered, clearly shows that there was no money available, and the Chief Treasurer urged that the danger of any extensive expedition by the Dutch was not very real. However, a proposal was made for a diplomatic representation to the Government of the Netherlands on the subject of the collision which had taken place in 1750.

The other event which gave an impulse to Portuguese aggression in this region was the "Project of Para," a secret agreement between the Crowns of Spain and Portugal which arose out of the discussions respecting the Boundary Treaty of 1750.

Project of Para.

This project was in the nature of a treacherous attempt to oust the Dutch from their possessions in the interior of Guiana. It ran as follows:—

"The idea is that the two Crowns should go pushing forward settlements each one from the place where they are towards the territory which Dutch occupy. I, p. 58.

"That in proportion as we narrow the circle, we should carry the settlements somewhat high up, forming a semicircle on the land side above the territory they occupy. By this means we should surround them, so that they may not go inland in that continent behind both nations. That in keeping them thus surrounded, we are in face of the territory occupied by the revolted negro slaves of the Dutch, and can easily give them help covertly for their raids against those Colonies, without engaging ourselves openly; and if their negroes place them in such a position that they will be compelled to abandon that situation, we shall take possession of the territory and divide it in a friendly way, with boundaries satisfactorily arranged accordingly."

It was further developed in another note:

"In respect that all the territory comprised between the Rivers Marañon and Orinoco unquestionably belongs to the two Crowns, any establishment of the other foreigners in that place is to be looked upon as a usurpation of their rights, and they cannot show that we have formally recognized that dominion as theirs. For the Portuguese Crown has only against it the Treaty of Utrecht, made with France, in which it was stipulated that the French should not pass from the I, p. 60.

River Vicente Alonzo Pinzon towards the City of Pará, with other matters which contain no recognition of dominion, nor formal cession of rights. Neither on the part of Spain has any cession to, or formal recognition of, the Dutch been made; to which is to be added the bad faith with which both act, in order to penetrate the interior, and draw all possible profit from the two dominions, against the provisions of Laws and Treaties.

“Although the two Courts have not considered it convenient to attack them with open force, nevertheless they are agreed in the scheme of doing so by intrigue. And with this object both nations have resolved to take measures to hem them in, each on its own side—the Spaniards by that of the River Orinoco, and the Portuguese by the Marañon or Amazons, in such a manner that at the two extremes of the line, and throughout its entire length, we shall be occupying and reducing the territory towards the coast, in order that they may not penetrate the interior, seeking better establishments and a more profitable commerce, with the understanding that if by this mode of hostility, or any better which may be found, they are brought to evacuate the lands they now possess, the two Sovereigns will divide the territory between them in a friendly manner.”

This proposal was thus essentially a project of secret hostility directed against a friendly Power in time of peace. It was proposed by Spain, and cordially endorsed by Portugal; both nations were conscious of its illegality. It was never carried out; but it gave a certain temporary impulse to such undertakings as the Spanish raid on the Cuyuni in 1758; and it probably had some influence upon the efforts of the Portuguese to establish themselves in the northern portion of the Amazon basin.

I, p. 65.

Supra, p. 49.

At any rate about this period the Portuguese began to acquire some actual knowledge of the Rio Branco and its tributaries. The “account of the Rio Branco” sent home by the Governor of Para in 1755, to which reference has already been made, shows that this knowledge was based mainly on the accounts of Francisco Ferreira. It is quite likely that Ferreira, who was an inhabitant of Aricari, knew the mouths of the Rio Branco quite well, and that he obtained further information on the expedition of 1740 already mentioned; but his account is a good deal confused, and is only in part the result of personal knowledge. He doubtless got something from Horstman.

Side by side with knowledge of the direction of the river, came the sense that the junction of

the Rio Branco with the Rio Negro was a vulnerable point which was in danger, and within the next few years a real effort was made to secure the mouths of the former river.

The Bishop of Para in commenting upon the I, p. 62. state of the Province in 1755, and praising the establishment of a new government of Rio Negro, pleads that the site of the capital, instead of being far to the west on the Javari, should be on the Rio Negro, and near the village of Mariuá which was central. He specifically urges that the new government must on one side extend as far as the Rio Branco, which is described as marking the limit of the Dutch dominions.

The Bishop's view evidently commended itself to the Governor-General of the Province, who, it will be remarked, looked upon the state of the Rio Negro at this time as so desperate, that he spoke of it as a corpse which could only be I, p. 63. resuscitated by a miracle. Incidentally, his description of the district may be cited :—

“The other establishment of the foundation of the I, p. 63. new Captaincy of S. José do Rio Negro is so essential that it would be impossible without it for His Majesty to be master of this largest part of his dominions except in name. It would never serve any other purpose than that of an asylum for scoundrels, who would perpetrate here every kind of outrage that could be imagined, there being always a great difficulty in preventing those disorders ; for besides the fact that the authors of many of them would be well supported, the vast area of this immense district would not allow the efficient measures to be taken which would be needful to prevent them.”

In his despatch to Lisbon on the subject, written I, p. 64. in 1755 from the fortified village of Mariuá, the Governor urged that with a good settlement at that point, and a fort on the Rio Branco, as had been ordered in 1752 by the King, the Rio Negro would be respected by the Dutch. His concern, it will be noticed, is for the Rio Negro : the whole district between the fort at Barra do Rio Negro and the Casiquiari is described as being exposed to what he terms the outrages of the Dutch.

Within three years the first step proposed by the Governor had been taken, and Barcellos was founded as the capital of the new Captaincy on or not far above the site suggested by the Bishop of Para. But the fort on the Rio Branco, though occasionally referred to, as by Lourenço Pereira da Costa in 1762, remained I, p. 69. unbuilt, till twenty years later it came into existence very much higher up the river than

Captaincy of Rio Negro.

the Governor de Mendonça Furtado had ever contemplated.

I, p. 69. The Portuguese now gradually entered into some definite enjoyment of the Rio Branco. In 1762 a Royal turtle fishery and butter factory were established on its lower reaches, and on the left bank in the position marked in the Map No. 4 which accompanies this Case. Of the upper part of the river they still had scarcely any knowledge, and the report of Attaide Teive to Mendonça Furtado in 1764 refers to the Dutch in a manner which shows that in his idea their territory stretched across the head of the Rio Branco and closed any communication between that river and the Orinoco.

I, p. 71. A little later, as a result of an alarm of Spanish encroachment, a very important step was taken. Orders were issued from Lisbon that a strict watch should be kept in the Rio Branco. Patrol boats were to frequent the interior of the Rio Branco district as much as possible. Their instructions were very clear; they were to watch the Caratirimani, which is described as "the principal object of anxiety," the Yarani, and another river which, by comparison with the report of 1755 already referred to, is clearly the Mocajahi. That is to say, they were to watch the tributaries of the right or western bank as far as the sphere of Dutch influence as coloured on Map No. 3, but were not to trouble about those of the left bank, on the curious ground that the Dutch "had long given up that route."

I, p. 65. There is no question that this order indicates a distinct intention to control the main stream of the Rio Branco as an important key to the safety of the Captaincy of Rio Negro; and though it was directed primarily against the Spaniards, it also amounted to an intention to exclude the Dutch from the lower part of the Rio Branco and the lands surrounding it. It did not go further than this.

I, p. 97. There was one solitary patrol as a result of this order in the following year, viz., the expedition of José Agostinho Diniz who in 1766 "ascended the river with a military escort under orders of the Governor . . . to guard and keep observation on the same river."

I, p. 81. It is suggestive that the chief evidence as to this journey is from the Dutch side. These Portuguese did get as far as the Parima or Urari-coera, the creek "Aurora" being clearly a

form of Urari[coera]. Only one point is indicated in the account, viz., the mouth of the Parima or Urari-coera, where it joins the Maho (really the Takutu). Thus the visit of Diniz for the first time brought the Portuguese as far as the point where São Joaquim was afterwards built.

The patrol ordered by the King of Portugal in 1765 was evidently not maintained; for the very next event of importance recorded of the Rio Branco is the occupation by the Spaniards of the upper reaches of the river in 1774, without any intimation of the event reaching the Portuguese from Portuguese sources. As it is put by Ribeiro de Sampaio:—

The Spaniards on the Parima.

“We had fallen asleep in those parts; in the year I, p. 116. 1774, the Spaniards came and made their way into that river in all safety without our being aware of the fact until a deserter, by chance, brought us the unexpected tidings.”

The “deserter” was the Dutchman Leclair or Leclerc, the Postholder of Arinda, who has been referred to in a previous chapter.

The detailed history of the subsequent collision between the Spaniards and the Portuguese is not of direct interest in the present case; but two facts brought out by it are of importance.

In the first place, when the Spaniards made their descent of the Uraricoera or Parima, and established themselves upon it towards the close of 1773, they found no trace of Portuguese I, pp. 121, 122. control: they were on land unknown to the Portuguese; they were there for almost a year before they were discovered, and then it was by a Dutch officer, Leclerc: Ribeiro de Sampaio, the most vigorous exponent of Portuguese claims, deemed it a piece of “extraordinary good fortune” that this Leclerc fell into their hands. I, p. 92.

In the second place, however, when the Portuguese did realize the presence of the Spaniards in a position which threatened the Rio Branco, they acted with promptitude, and the final result of the incident was that they actually took possession of the upper portion of the river. By 1776 they had commenced the Fort of São Joaquim at the junction of the Uraricoera (Parima) and Takutu—that is to say, at the point where the Rio Branco proper begins.

Foundation of São Joaquim.

The erection of Fort São Joaquim was intended also to place a limit to Dutch extension.

Ribeiro de Sampaio wrote as follows on the subject:—

I, p. 93.

“I have always heard that there was an order by His Majesty, at the time when Senhor Francisco Xavier de Mendonça governed this State, for the erection of a fortress on the Rio Branco. It is for your Excellency and not for me to ascertain why the order was not carried out. I may, however, affirm that if the said work was considered useful then, it ought now to be judged necessary.

“The place where the two branches Uraricuera and Tacutu join, seems the situation which experts would choose.

* * * *

“The fortress in the place mentioned would defend us from the Spaniards, along the Uraricuera, and from the Dutch, along the Tacutu. At the same time it would serve as a good general centre from which to conduct the most useful operations, such as reducing the innumerable nations of Indians which inhabit not only the borders of those rivers, but the plains as well; we should thus form settlements in our bond, or most profitable alliances. All who have experience of those natives declare that this would be very easy, and depends only on the skill with which our plans are executed, and it is for want of such a base that some previous efforts have failed.”

The foundation of Fort São Joaquim was in point of fact an invasion by the Portuguese of a sphere which had hitherto been under Dutch influence, but it was allowed to pass without any protest or hostile action by the Dutch.

Sampaio's Statements demolished.

In connection with this final advance of the Portuguese on the Rio Branco, it is desirable to examine critically the Memoranda and Reports of Ribeiro de Sampaio, on which the action of the Portuguese was based.

It will be found, as a result of such examination, that Sampaio's statements as to history are not supported by any contemporary documents; and not even by the depositions on which his narrative is based. The whole of his history is untrustworthy.

Sampaio was Chief Magistrate of the Province of Rio Negro, and on learning that the Spaniards had effected a lodgment on the Parima he set himself to draw up as imposing and plausible a justification as possible of the rights of Portugal as against Spain in that region. The earliest of his Memoranda on the subject is the Memorial dated the 18th April, 1775, used at the formal inquiry of the following days. The “Diario” appears to have been finished rather later, and

I, p. 97.

I, p. 105.

the “Relação” is last of all, some three years after the others. The thesis which Sampaio sought to establish in these various documents is put clearly and succinctly in the original Memorial, which is in the following terms:—

“When upwards of a century ago the Portuguese I, p. 97. discovered the Rio Negro and entered on the navigation thereof, similarly discovering and navigating the rest of the rivers which fall into it; by far the most important of these was the Rio Branco, formerly called Queceueñe and Paraviana, which falls into the Rio Negro on its northern bank in latitude $2^{\circ} 50'$ south and $31\frac{1}{4}^{\circ}$ longitude, calculated from the meridian of the Island of Hierro, or 67° west from the meridian of the Paris Observatory.

“The Portuguese ascended the said Rio Branco, sailing and trading along it, and entering its western arm called Uraricoera, which is the principal trunk of this river, and which takes this name after its confluence with the Tacutu, so that not only were extensive navigations made along it from the beginning of this century until the year 1736 by Captain Francisco Ferreira, of Para, but in this said year Christovão Aires Botelho, a native of the Maranhão, accompanied by Headman Donaíre, entered that river with an escort.

“In the year 1740 a Company ascended the river, in command of Francisco Xavier de Andrade, one of the leaders of the expedition, commanded by Lourenço Belforte, who established his camp at a short distance from the cataract of the same Uraricoera, from which place he sent out picked bodies who succeeded in making a journey of two months' duration up along the bank of that river in such a manner that they traversed all the extensive plains which surround this river. Immediately after this entry followed the one which José Miguel Ayres ordered to be carried out on the Rio Branco itself, and both he and Lourenço Belforte were commissioned by the Governor and Captain-General of Para, João de Abreu Castello Branco.

“Not only had the Portuguese navigated this same Rio Branco in the time anterior to the periods already mentioned, but subsequently they continued yearly to derive commodities therefrom, and to carry on fisheries and other commerce which they found convenient; and in the year 1766 Ensign José Agostinho Diniz ascended it with a military escort, under orders of the Governor of this Captaincy, Joaquim Tinouco Valente, to guard and watch the said river.

“The said Rio Branco, with all those which discharge themselves into it—one of which is the Parima—was always held and recognized as being within the dominion of Portugal, a dominion incontestably founded on the right of discovery, occupation, and possession, which the Portuguese took thereof, by proper, lawful, and repeated acts which they upheld for upwards of a century, and from time immemorial without any contra-

diction, and certainly not from Spain, which always contained herself within the limits of the Orinoco, which was not even wholly explored in the said year 1736, when the Portuguese had already been navigating the Rio Branco for more than seventy years, seeing that it was in 1744 that the Spaniards for the first time acquired any knowledge of the upper part of the Orinoco called Paraua: much less, therefore, could they know anything about the rivers from which they were very remotely situated. But the Portuguese not only discovered and made themselves masters of the above-said Uraricoera or trunk of the Rio Branco, but also of the Tacutu arm, through which they navigated and entered into other rivers that flow into the same, in such a manner that through this river Fray Jeronimo Coelho, a Carmelite priest and missionary of the village of Taruma, maintained for many years trade with the Dutch during the year 1720 and onwards: and before that year explorations had been made on the same river by the Indians under Portuguese authority, dispatched expressly for the said object.

“Whereby it is manifest that the same Tacutu is an indisputable and well-founded right in the dominion of the Crown of Portugal, as having been discovered and occupied by the same, remaining from time immemorial in her possession without any contradiction by the neighbouring nations, such as the Dutch, who do not go beyond the River Essequibo and Rupomoni.

All the statements in this passage are at variance with the facts of the history, and a detailed examination of the record of the inquiry will show how the story there told was concocted.

I, p. 93, *ad fin.*

I, p. 110.

Evidently Sampaio had taken much pains to get information from every one whom he thought likely to give it. He then drew up the Memorial just set out, which is prefixed to the depositions. It embodies in a succinct form all that he had heard from Horstman and all that he had learned from the witnesses whom he afterwards called to give evidence at the inquiry. Their depositions profess to support the statements of the Memorial, but it will be seen from the depositions themselves that the Memorial was read over to each witness, who was then asked whether it was correct, and on what he based his opinion. The result is what might be expected—a unanimous testimony in favour of Portuguese rights. Examining the depositions one after another, one is struck by a parrot-like repetition in vague general terms of the statements made in the Memorial.

One main point which Sampaio desired to establish by this evidence was that the Urari-

coera or Parima had been held by the Portuguese for many years. The witnesses one after another echo the statements in the Memorial on this point, but evidently none of them understood what was meant by the Uraricoera. Several, indeed, show that though they took the name from the presiding officer they understood it to be one of the arms by which the Rio Branco enters the Rio Negro. It is abundantly clear that not one of Sampaio's witnesses knew anything about the real Uraricoera.

It is indeed inconceivable that, if the Uraricoera or Parima (of which Sampaio had just learned from Leclerc, and to which the inquiry was directed) had been known in 1740 so well as the witnesses allege, it should not have even been mentioned in the account of the Rio Branco I, p. 65. tributaries given by Ferreira to the Governor of Para in 1755, which has already been discussed in this chapter. It will be remembered that that account states positively that above the Mocajahi there is no knowledge of any stream of importance on the west side of the Rio Branco.

Fortunately, however, two of the witnesses gave evidence so circumstantial, from personal knowledge, in addition to that which Sampaio required, as to clear up all doubt and make it perfectly obvious how far the Portuguese expedition of 1740 did actually penetrate on the Rio Branco. These witnesses are the Indian Chief Theodozio José dos Santos (Deposition No. 3) and Francisco Xavier de Andrade himself I, p. 99. (Deposition No. 4). Bringing in the Uraricoera at the outset of their depositions, they refer to it as the arm by which, at the outset of their journey from the Rio Negro, they entered the Rio Branco. And the part of their evidence which is really valuable, viz., their personal experience, quite disposes of the idea that they had ever been anywhere near the real Uraricoera.

“On this occasion he, the witness, went as chief I, pp. 99, *ad* officer of a company or escort which entered the *fin.*, 100. same Rio Branco, navigating up it, and sending down Indians to our Settlement of Carvoeiro opposite the mouth of the Rio Branco; and the escort took the left arm going up called Uraricoera, which is the main trunk of the Rio Branco, and continuing the journey along this river encamped on an island, from which he sent out two corps of soldiers along the two banks of the same river by land to search for the Uapixana and Macuxy tribes, whose settlements are close

to the mountain ranges which here trend towards the centre of the plains. The corps, which he sent along the right-hand bank, performed a month's journey along the plain country, being under the command of Captain Francisco Ferreira, well acquainted with this district because he had frequented it for many years; and he was accompanied by Manuel Dutra, native of Cametã, and Headman Romão de Oliveira and his brother Paulo de Oliveira, with Headman Iama and Headman Iamue of this town of Barcellos. The corps, which took the route of the left-hand bank, was, however, conveyed in boats as far as the cataracts of this river, and there disembarking, kept along the plain searching for the Sapará tribe and others; of this Domingos Lopes was chief officer, and for his companions he had Francisco Rodrigues and Manoel Pires, Europeans, and Headman Ajarabana, and the Sergeant-Major Miguel and the Abalizado Arubiava, all of the village of Poyáres, and Headman Theodozio José dos Santos and Headman Faustino Cabral and Headman Camandry all of this town, and Headman Assenço of Pereira. This corps journeyed for a month and a-half until they had traversed all the plains, and proceeded through the bush, and arrived at the head-waters of the River Caratirimany, reaching the latitude at which the natives assured them that to come out at the head-waters of the River Araca, that falls into the Rio Negro above this town, would take three days; and at length they struck another river called Ucayahy which falls into the same Uraricoera very far up, running between mountain ranges, and took notice that its water was whitish, and abounded in turtles and fish, but was very unwholesome, so that they found themselves compelled to turn back."

It is quite clear that they did not go up the Rio Branco further than the Cataracts. They then wandered overland to the head waters of the Caratirimani, where they were told that they could have got southward overland to the Araca, and so back into the Rio Negro; instead of that they struck the headwaters of the Cahahy, Ocahahi, or Macajahi, whence they seem to have turned back on their own tracks exactly like the portion of the expedition which took the other side of the Rio Branco: they would appear not to have gone down the Macajahi. Their actual route is coloured on the Map No. 5 in the Atlas which accompanies this Case.

As the basis of Sampaio's statements is thus cut completely away, it is unnecessary to dwell longer upon his later reports, the "Diario" and "Relação," which merely repeat the erroneous statements with variations. Sampaio in fact, zealous and enthusiastic for the claims of Portu-

gal, over-reached himself. The real facts have been correctly stated in the earlier part of this chapter. There can be no question that the Portuguese never passed the mouth of the Mocajahi into the sphere of Dutch influence till the voyage of Diniz in 1766, and never made a permanent attempt to establish themselves higher up the Rio Branco till ten years later, when they commenced the Fort of São Joaquim towards the close of 1775.

The main result of the collision between the Spanish and Portuguese on the Parima was the conclusion of a new Boundary Treaty in 1777, which is only of interest in this case because it gave rise to a series of explorations towards the zone now in dispute with a view to determining the boundary of Spanish and Portuguese territory.

These explorations may also have been influenced by the desire of the Portuguese to check a Dutch advance on the Rio Branco, as their efforts to subjugate the Indians around São Joaquim had made it plain to them that the Indians were for the most part dominated by the Dutch.

Almost as soon as the fort of São Joaquim was begun the settlement of villages of Indians in its neighbourhood was also taken in hand; and within two years, *i.e.*, by the close of 1777, I, p. 131. there were, according to Sampaio's *Relação*, (which on a point of this kind relating to contemporary facts may be accepted), five such settlements—one, São Felipe, close to it; one, Conceição, on the southern bank of the Urari-coera; three others, on the Rio Branco itself, Santa Barbara and Santa Izabel, not far down stream, and Nossa Senhora do Carmo, much lower down. Sampaio at this date states that the I, p. 132, *ad init.* Macusis, Caripunas, and other Indians did not come into their villages, but speaks of other Indians as eager to receive the Portuguese in I, p. 131. preference to the Dutch.

In February 1780, however, all the inhabitants I, p. 142. of São Felipe deserted, and a great part of those who were settled in Conceição: and, as will presently appear, it was not long before all these first settlements were abandoned as the result of continued risings.

Early in 1781, in consequence of the Boundary Treaty of 1777 with Spain, the Portuguese Government made its first formal effort to

“Descimentos” of Indians.

Survey of Serra and Pontes.

explore the upper Rio Branco and the surrounding country. The officers selected were Ricardo Franco de Almeida Serra and Antonio Pires da Silva Pontes. Their instructions included provision for an examination of the Dutch boundary :—

I, p. 136.

“ what rivers and lakes flow into the Rio Branco on its eastern bank ; where their sources may be, and how far they are navigated, especially the Tacutu, the Maho, and the Pirara, which are those which afford the said communication with the Dutch along the Rivers Rupumuni and Essequibo, which flow down to that Colony ; also what ranges there are along that region, and which of them, or what other landmarks, will serve to divide our dominions from those of the said Colony ; and finally, whether any other rivers which flow into the Amazonas, such as the Urubu and the Trombetas, also have their sources near the aforesaid Dutch dominions, and afford communication with them which ought to be prevented, and how we can set about this and attain our object.”

I, p. 138.

These instructions were to a great extent carried out. Between the 6th February and the 10th March, 1781, the two officers above mentioned made a rather hurried reconnaissance survey, first of the Pirara and surrounding savannahs to the bank of the Rupununi, then of the lower course of the Mahu (Ireng), as far as the 4th degree of north latitude, finally of the Takutu from the bend (though they call it the mouth) upwards as far as the Canaku Mountains. Thus twelve years after the Dutch Postholder, Jansse, had reported on this district, the Portuguese surveyors covered, but in less detail, some of the same ground. These officers next made a complete exploration of the Urari-coera and its tributaries, and ultimately an unsuccessful attempt to march east from Fort São Joaquim to find the sources of the Trombetas and Urubu.

The recommendation of these surveyors as regards the boundary on the side of the Dutch showed a desire to secure the whole basin of the Rio Branco, but a distinct doubt as to the rights of Portugal.

The following two extracts from their report are of special interest as indicating their views :—

I, p. 139, *ad init.*

“ On the east the said plains are also shut in by the waters of the Rupunori, which offers a site which we

considered admirably fitted for establishing, in accordance with the scheme and with your Excellency's orders, a watch-tower for observing on that frontier the innovations or attempts of the Surinam colonists. The tower might as readily be placed on the bank of the Rupunori, near the Igarape or small River Tauarikuru, unless this be opposed to the claims of the said Dutch, seeing that we have to take into consideration the watersheds and not the west bank of the River Rupunori for the boundaries. In case a station is not made there, patrols might be sent out from the said Fortress of S. Joaquim over the above-mentioned plains, in winter by water and in summer by land, and these patrols would become most useful to the Royal service, and a permanent safeguard to the post.

* * * *

"After obtaining these clear ideas on the subjects I, p. 140. laid down in our orders, we returned to the Fortress of S. Joaquim, in order to make from that place a fresh attempt at fixing the sources of the River Trombetas and Urubu, which can only be done by land journeys; but the winter followed us, as it were, from the west, whence our route started, and such heavy rains fell that the plains were flooded, and prevented the journeying on foot, for which your Excellency had lately provided us with sailcloth tents and oilcloth for covering the cases of astronomical instruments. It will, however, be very useful to make this investigation whenever possible, in order to survey the limit to be fixed between ourselves and the Dutch, as well as between us and the French of Cayenne, when any boundary question arises with these conterminous Colonies. In the same way, and for the same purpose we should explore the headwaters of the Rivers Rupunori and Anaoau, which are said to be formed by the watershed between the aforesaid Portuguese and Dutch dominions, as is shown or demonstrated, simply from the information acquired, in the little map annexed to the general map referred to in this Report."

The following two passages from the despatch written by João Pereira Caldas, Governor-General of Grão Pará, after consideration of the report of the surveyors, indicate similar doubts as to the rights of Portugal. Caldas, however, proposed as the eastern limit of Portuguese extension in this direction a line drawn north and south through the sources of the Pirara:—

"They observed that the ranges met with on those headwaters, and which form the watershed between the Rivers Branco and Orinoco, running in the shape of a vast, continuous wall trending eastwards, keeping at about 4° north latitude to a distance from which are visible the furthest points of Spanish Caribana touching the territories of the Dutch; they will not only serve for the fair division or boundary-line between the Portuguese and Spaniards now under consideration, but in their continuation, and as far as the end of a line which must

I, p. 141,
ad med.

be drawn north and south over the sources of the Rio Pirara, serve to form the other division between the dominions of His Majesty and those of the aforesaid Colony of Surinam, along that part; this seems to me to be very much to the purpose, if we take care to recognize clearly the advantage that thus those dominions stand separated by the permanence of its great and convenient extent, and by [*sic*] the benefit of enabling us to secure that the sources of the River Pirara and the various other rivers which run from the same eastern district and flow into the Rio Branco may wholly stand under our rule.

* * * *

“In order to prevent any practice of the said communication in future or of surprise in those Portuguese dominions, the best plan seems to decide upon founding a Settlement there, or even a watch-tower, close to the said headwaters of the River Pirara, in the middle of the small stretch of land lying between these headwaters and the western bank of the Rupumuni, and that until this be accomplished or at least decided upon, a favourable opportunity might be taken for sending strong detachments of troops to reconnoitre and report what news they find on that frontier, and, if possible, to give the necessary assistance in defending them.”

I, p. 142.

Further “Descimentos.”

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I, p. 144.

In August 1781 a further carefully planned rising of the Indians in the Mission villages took place in the village of Conceição: a sergeant and six soldiers who were in charge of a body of converts or slaves were killed, the Indians deserted in a body, and, with the exception of Nossa Senhora do Carmo, the lowest of them all, these Portuguese settlements ceased to exist. The Governor, Caldas, proposed to commence a war of punishment; but the policy of the Portuguese Court was one of clemency and humanity. Pointing out that troubles with the Indians constantly arose from ill-treatment and mismanagement, the Ministers of the Crown inculcated great gentleness in dealing with the natives. The Governor loyally carried out the orders of the Crown and, for a time, some success was met with in reclaiming the Indians who had deserted from the settlements made prior to the rising of 1780-1.

I, pp. 145-174.

A very interesting series of reports from the Commandant of São Joaquim, covering the years 1784, 1785, and 1786, shows what was done.

The success attained was largely due to the energy of Corporal Michael Arcanjolo, who was indefatigable in his efforts to win over the Indians who bordered on the Portuguese territory. As early as the 13th May, 1784, ap-

I, p. 145.

parently for the first time, he made his way up the Takutu to open up relations with the Macusis; and the attempt was on other occasions repeated; it is even possible that the Portuguese followed Indians on some occasions into the zone now in dispute. But success was only obtained I, pp. 147, 154, 158. with the Wapisianas, and even then for the most part with Indians who had been converts in the first Settlements. The Macusis held aloof. Special I, p. 157. effort was made to win over the Chiefs Cupita and Maranari, but it was soon found that in this attempt the Portuguese had intruded into the I, p. 160. sphere of Dutch influence, and that the Caripunas and Macusis would not carry their communications with the Portuguese beyond certain elusory promises to consider whether they would come and settle on the Rio Branco. In a letter of the 8th October, 1785, Michael Arcanjolo I, p. 158. shows that he is quite out of heart, and wishes to be relieved from dealing with such ill-willed persons as the Indians. And in January 1786, the Com- I, p. 160. mandant reports that the success which has been achieved is by no means equal to that which Michael Arcanjolo had promised.

In the earlier days of Arcanjolo's efforts there was some intention of trying to arrest the Dutch who might be found trading with the Indians in the districts near the Takutu. A proposal by the Commandant of Fort São Joaquim to continue the pursuit of a Dutch trader, whom he had failed to capture, was, in the first instance, approved by the Governor at Barcellos; but when, I, p. 153. rather later, another trader, was actually seized, the Governor, after inquiring into the matter from Arcanjolo personally, became much more cautious: he indicated that he felt himself on dangerous ground in a passage which deserves citation, although it has already been set out in this Case:—

“Since, according to what the corporal tells me I, p. 156. of the place in which he met that stranger, while he was among the mountains near the River Rupunuri, and there in a Settlement of Caripuna Indians more friendly with the Dutch than with us, it may be doubted whether such district belongs to the Portuguese dominions; taking that circumstance into consideration and that the aforementioned person had not yet acquired any slave, although I know that such dealings and practices, notwithstanding the very great distance, are always harmful to the Royal interests of Her Majesty; I have nevertheless resolved that the said Dutchman, with the two Indians who accompanied him, be replaced in the same district.”

In the three or four years above mentioned, the activity of the Portuguese on this frontier seems to have culminated, and the officers at Fort São Joaquim succeeded in bringing in various Indians and settling them in four new villages on the main stream of the Rio Branco.

I, p. 190.

Vide Atlas No. 4. The furthest north was that of São Martinho, almost half way between the fort and the mouth of the Macajahi, the others, São Felipe, Conceição, and Santa Maria were lower down: these villages replaced those which had been lost in 1781. Carmo remained in its old position below the mouth of the Caratirimani.

I, pp. 165, 169. It also appears that in May 1786 the Commandant of São Joaquim took advantage of Dr. Alexander Rodriguez Ferreira's presence to inquire into the truth of the statement that valuable crystals had been discovered and worked by the Dutch in the neighbourhood.

Dr. Ferreira was employed by the Portuguese Government from 1777 to 1787 in preparing a full statistical and descriptive report on the province of Rio Negro, and his main purpose in ascending the Rio Branco would be to obtain information as to the new Missions. In the very complete series of his reports published in the "*Revista Trimensal*" of Rio Janeiro, there is scarcely a reference to the Rio Branco; but his report of his special journey to the crystal mountains is extant in the Archives at Lisbon, and is annexed to this Case. From this it appears that he and his companions, between the 29th May and the 7th June, 1786, went as far as the Surumú (*i.e.*, the Cotinga), and, after twelve hours' journey up that stream, struck across country towards the Pacaraima Mountains, where they made investigations "in the very spot which had been investigated by the Dutch." They seem to have come back the same way.

I, p. 169.

Ferreira clearly indicates in his report that the locality in which he made these investigations was not recognized as being within Portuguese territory. He writes as follows:—

I, p. 170. "Now, under the existing circumstances of the present demarcation, which is not yet finished for that district, would it not, perhaps, be imprudent on my part to direct towards those ranges the eyes of our neighbours to notice my positiveness in making a protracted examination of them? Even putting the circumstance of the demarcation aside, would it really be prudent to be searching in the adjacent mountains for

the discovery of mines? For what other objects are we pursued by the Spaniards, whose border touches ours along Matto Grosso?"

Meanwhile an order had been made appointing I, p. 169. Colonel Manoel da Gama Lobo de Almada, accompanied by one or two mathematicians and one or two expert engineers, to make a thorough exploration of the Rio Branco and report upon its waterways and general capacity, as well as on the mountains in which it was supposed to take its rise.

Survey by Lobo de Almada.

Lobo de Almada, who had on his staff Jozé I, p. 180. Simoens de Carvalho, Captain of Engineers, and Sergeant-Major Eusebio Antonio de Ribeiro, began his survey of the district during the latter part of 1786, spent upon it the great part of 1787, and sent in his report on the 19th February, I, p. 182. 1788.

This report, though not altogether beyond criticism, must be considered the most important document which can be produced on the Brazilian side of the question now before the King of Italy. It was the report of the officer specially detailed for the survey by the King of Portugal, and was the result of personal inquiry. It therefore has an authority far superior to the report of Sampaio, which is based on hearsay and preconceived ideas, and has been shown to be quite untrustworthy.

It is, perhaps, only necessary to cite in detail the references contained in this report to the principal tribes of Indians and the conclusions as to the right boundary between the Dutch and Portuguese possessions.

His observations on the Indians are contained in the following passage, from which the parts relating to small and unimportant tribes are omitted:—

"The nations of natives of whom I obtained know- I, p. 192. ledge are the following:—

"The Paravilhanos, who now dwell towards the headwaters of the River Tacutú along the ranges between that river and the Repunuri. It is from this tribe that most of the natives have come down to the Settlements of the Rio Branco; in Conceição, especially, nearly all are Paravilhanos. But it is known that there are still to come down three Headmen with their subjects, some of whom formerly lived in the Settlement of S. Filippe, whence they deserted. This nation, and the eight others that follow, trade in slaves, which they sell to the Dutch.

"The Aturahis, who dwell near the same plains and ranges. This nation is known to have three Head-

men. In the Settlement of Carmo we have got some of these people established.

* * * *

"The Caripunas dwell to the west of the Repunuri in the more eastern ranges of the cordillera. Four Headmen are known to live with their people in four habitations. None of this tribe has come down to our establishments; but some time ago a Headman and some Indians came as far as the fortress of S. Joaquim. These Tapuyas are those which have most trade in slaves with the Dutch.

"The Caribs dwell a few leagues distant from the Caripunas, with whom they are almost always at war. It was said that they were cannibals, but I found no verification of such barbarity.

"The Macuxis inhabit the same ranges, and have five Headmen distributed in five separate malocas, which extend towards the west as far as the watersheds of the River Surumú. Of this nation there have come down to the fortress of S. Joaquim only some five Indians, of whom two remained, who live in the Settlement of Santa Maria.

"Oapixanas: this nation is the most numerous of all, having as many as fifteen Headmen, besides two who have already come down to the Settlements of Rio Branco, and a large number of "Abalizados," Tapuyas who have authority over the others. They inhabit the ranges which stretch from the watersheds of the River Mahu to those of the Parime. They are at enmity with the Macuxis, the Paravilhanos, and the Caripunas. There is a good number of natives of the Oapixana nation in our Settlements.

It is clear from a comparison of this passage with the reports from the officers engaged in endeavouring to bring the Indians down to the Rio Branco that the Paravilhanos had fled into the zone now in dispute to get away from the Portuguese: the same is true of the Atorais. Lobo de Almada recognizes the Caripunas and Macuxis as living west of the Rupununi as far as the Surumu, and as both being beyond the range of Portuguese influence and subject to that of the Dutch. The Wapisianas are described as dwelling at this time in the hills which stretch from the source of the Mahu to that of the Parimé, a name which Lobo de Almada confines to a small stream west of the Surumu.

Vide Atlas No. 22. Up to a comparatively recent period a section of the Wapisianas was found on the Surumu; even at the present time a portion of the tribe lives between the Takutu and the Rio Branco. There can be little doubt, therefore, that it was from the district west of the Cotinga and Takutu,

and therefore outside the zone in dispute, that the Portuguese got their Wapisiana converts.

The conclusion to which Lobo de Almada is brought as to the boundary between Dutch and Portuguese territory is stated in the following passage:—

“The Dutch of Surinam have not such a difficult passage, since by going up the Essequibo, a river in which they already have establishments, they come to the River Repunuri, with the navigation of which they are acquainted, and from the Repunuri tread with ease the prairies of the Rio Branco, situated between the said Repunuri and the River Tacutu, most eastern continuation of the Rio Branco, in which district of submerged and marshy plains, traversed by hills, the Rivers Repunuri and Tacutu have their watersheds. I, p. 186.

“This tract, therefore, bounded on the north by the cordillera, on the east by the Repunuri, and on the west by the Rivers Mahu and Tacutu, is a tract of land serving throughout as communication from the Dutch dominions to the Rio Branco.

“It is known that, on going up the River Mahu, one disembarks at the *Igarapé*, or Rio Pirara, and that, by traversing 12 leagues of land, one emerges in the Repunuri. This is a communication which was found and explored by the expedition of the year 1781, consisting of Dr. Antonio Pires, the cartographer, and the engineer, Captain Ricardo Franco, when at that time, through their personal researches, they formed with immense labour and diligence another map of the Rio Branco and its confluent.

“But the easiest communication appears to be that which I found and explored in the upper sources of the Repunuri, in latitude $2^{\circ} 53'$ north, longitude $318^{\circ} 6'$, since from thence a two-hours' journey by land brings one to the *Igarapé* Sarauru, which flows into the Tacutu, and the latter into the Rio Branco, this communication not taking more than five days from the banks of the Repunuri to our fortress.

“I say that this communication appears to be the easiest, as it is the shortest from the Dutch dominions to the Rio Branco, it being at this spot that the Repunuri approaches most closely to the Tacutu by the *Igarapé* Sarauru; for, from thence forward, it is easy to perceive even from the configuration of the land and from the position of the hills and mountains that on the Tacutu there will be no other point of closer approach to the Repunuri.

“From all this it is deducible that just as the cordillera that runs along the upper part of this frontier is a natural mark, which, dividing the watersheds of the Orinoco from the watersheds of the Rio Branco, must necessarily be crossed in order to get communication on this side from the dominions of Spain to those of Portugal, in like manner all the district which lies between the Rivers Mahu, Tacutu, and Repunuri is a

tract which naturally marks off in those parts the communication of the Dutch and Portuguese dominions."

This passage treats the whole of the country to the east of the Ireng (Mahu) and Takutu as outside the Portuguese dominions.

As a matter of fact, from this time forwards, the Portuguese did in effect recognize that their fort São Joaquim was, for all practical purposes, on their frontier. No attempt was made to push mission villages or settlements into the districts north and east of the fort. The settlements established on the Rio Branco after the destruction of the earlier settlements in 1781 were, as has been shown, well to the south of the fort, and the view which was taken of these in this same year 1788 by the Bishop responsible for their welfare is indicated in the following words:—

I, p. 195.

"At 11 o'clock in the morning we left to the right the Rio Branco which, cutting various Spanish and Dutch districts, after a long course, discharges its waters into the Rio Negro by two mouths. In the former we have a fort and some settlements of Indians in the care of two priests. These I leave out of my visitation, for they are at a considerable distance, and the voyage is somewhat dangerous."

He evidently considered the upper part of the Rio Branco as for practical purposes the Dutch boundary.

I, p. 201.

Loss of Indian Settlements.

I, p. 202.

In 1790 it fell to the lot of Lobo de Almada, now become Governor of Rio Negro, to report that all the Missions on the Rio Branco had been lost. The revolt seems to have been instigated by Macusis and Wāpisianas, and an attack which was made upon these tribes by the Commandant of São Joaquim, Leonardo Joseph Ferreira, was only partly successful. The final result of the rising was that all villages except that of Nossa Senhora do Carmo were abandoned, and the settlements were moved down close to the mouth of the Rio Branco.

I, pp. 202, 203.

Thus at the close of the eighteenth century, when the Dutch Colony of Essequibo was passing into the hands of the English, the Portuguese had been compelled to withdraw all their settlements back towards the Rio Negro, leaving Fort São Joaquim as a mere frontier fort on the verge of their possessions.

The following passages from Portuguese and Spanish writers treat the boundary between the

Portuguese and Dutch possessions as on or near the Rio Branco itself.

An anonymous Portuguese account of Brazil ^{I, p. 204.} in the British Museum, which is clearly not earlier than 1794, has the following passage, which is simply a repetition of Berredo's statement ^{I, p. 26.} with a more modern addition:—

“In latitude 4° north the great Rio Negro (where ^{I, p. 204.} there is the Portuguese fortress and settlement) discharges its waters, after having already received the waters of another river of great volume called Branco, which bounds Surinam, a Dutch Colony. Both these rivers are peopled by many nations of natives, some of them evangelised by the religious Order of our Lady of Mount Carmel.

“This river is frequented by the Portuguese for more than a century, and from it they made great traffic in Indian slaves. On its banks there is a permanent detachment of troops from Pará, to hold in subjection the tribes of Indians which dwell there, and to foster commerce.”

Requena, the Spanish Commissioner for delimiting the boundary with Portugal, writes in 796:—

“Consequently, the aforementioned line [*i.e.*, of ^{I, p. 205.} delimitation between Spanish and Portuguese territory] should not extend as far as Cape North, as an officer of rank supposed in the Report which he presented to His Majesty concerning these demarcations: first, because the Dutch are advanced with their possessions on the River Essequibo, bordering those of the Portuguese towards the Rio Branco, although I do not believe that the two nations have so far made any Treaty or Convention in this matter; secondly, because between Portugal and France the boundary has been arranged as far as the sea-coast by their respective Treaties, especially by that of Utrecht; and in consequence of this Guayana is divided into Spanish, Dutch French, and Portuguese, for which reason the aforementioned line must not be continued through countries which are at present in the possession of other Sovereigns, at least not in such a way as to expose ourselves to the risk of fresh political discussions which might mar the harmony reigning between our august Sovereign and the Republics of France and Holland.”

That Portuguese soldiers from São Joaquim did after this time, on occasion, visit parts of the zone now in dispute, is probable enough. Waterton appears to have found them east of the ^{I, p. 216.} Takutu, and the report of Vittorio da Costa, ^{I, p. 220.} quoted by Spix and Martius, refers to some such movements. But any such action must be viewed

as an intrusion on foreign territory during a period of war between Holland and Great Britain, and during the time when the latter had not yet had leisure to consolidate its rule in the Colonies which it had acquired.

Summary of Chapter.

It is now possible to summarize the general result of this chapter. It will at once be observed that whereas the previous chapter was concerned throughout with the presence of the Dutch in the zone now in dispute, this story of Portuguese action has scarcely touched the zone.

Despite the erroneous statements made by Ribeiro de Sampaio, and copied by some later writers, the Portuguese, up to 1719, were hardly aware of the existence of such a river as the Rio Branco.

By the defeat of Ajuricaba in 1727, they did check the advance of the Dutch on the Rio Negro, and placed their possession of that river on a footing of some security; but even then, and up to 1740, they had practically no knowledge of the Rio Branco above its mouth. A Portuguese party first came into collision with the Dutch on the main stream of the Rio Branco in 1750, but this was an isolated case of Portuguese enterprise, and it was not till 1766 that they acquired any knowledge of the upper tributaries of the Rio Branco.

Even then they left the river alone for ten years more, till in 1776, alarmed at the designs of Spain, of which they learned from Dutch sources, they constructed the little fort of São Joaquim, on the eastern bank of the Rio Branco, as a protection against the incursions of the Spanish, and the apprehended extension of the Dutch dominion to the south and west of that river.

In São Joaquim they established a frontier post on the extreme limit of the territory which they recognized as effectively theirs.

Thus, nearly 150 years after the Dutch began to enjoy the regular use of the zone now in dispute, the Portuguese established themselves within some 70 miles of it.

Having established Fort São Joaquim, they immediately set to work to bring Indians from the neighbouring country, and settle them near the fort. Their efforts met with partial success for a time, but they found the Indians in the zone in dispute impracticable, and wedded to the Dutch influence. After the loss of their first

settlements they made a new attempt to bring the Indians from the districts in the neighbourhood of the zone, and settle them on the Rio Branco some distance south of the fort ; but by 1790 this attempt also had failed, and after that year the Portuguese relinquished any effort to extend their influence beyond the Rio Branco.

In the interval which elapsed between the capture of the Dutch Colony by the British and the first British expedition to the southern frontier under Mr. Simon in 1810, the Portuguese from São Joaquim may have occasionally visited the zone which is now under discussion ; but any such visits were mere acts of trespass, and it is for the next chapter to show how decisively Great Britain, on the first opportunity, upheld her rights to the district against Brazil.

CHAPTER V.

BRAZILIAN ATTEMPT TO CLAIM THE ZONE.

In 1814 Dutch Guiana, which had been in British possession, with the exception of a short interval, since 1796, was formally ceded to Great Britain. Eight years later, in 1822, Brazil became an independent Power.

The history of the zone in dispute is almost a blank from 1814 to 1837: but it is significant that in several of those years an enumeration or census of the Indians in the Colony was taken by the Protector of Indians or the Postholder, and that these always included the Macusis and Atorais, who are referred to by the Postholder Wahl as near the frontier: there is also some evidence of official visits by the Chiefs of these tribes to the seat of Government.

British Mission Enterprise.

It was the extension of missionary enterprise to this distant district of British Guiana which first called the attention of the Brazilian Government to the region.

In 1828 Mr. Armstrong was sent out by the Church Missionary Society to act as a catechist in Essequibo, and in 1830 he went to spend some months on the Upper Essequibo and Massaruni Rivers. In 1831 Mr. Armstrong was appointed to the Mission station at Bartika, and in December 1832 Mr. Thomas Youd arrived in British Guiana to assist him. Mr. Armstrong immediately determined to resume the work which he had begun up the Essequibo, and endeavour to establish a permanent Mission amongst the Macusis.

Missionary Labours in British Guiana.

III, p. 11.

When in January 1836 Mr. (afterwards Sir Robert) Schomburgk, on his first journey of exploration in the interior of British Guiana, traversed the zone under discussion, and made his head-quarters for a time at Pirara, there was as yet no result of Mr. Armstrong's visit. On the other hand, there was no trace of Brazilian interference, though the savannah district was evidently known to the Commandant of Fort São Joaquim.

Two years later, when Schomburgk was next

in Pirara, Mr. Armstrong's efforts had borne fruit. Mr. Youd had, during 1837, made his arrangements to take up his residence at Pirara, and, towards the end of March 1838, a house for the missionary was already finished, and a chapel was nearing completion. This work was done under the leadership of a Macusi and a Carib, both of whom had been brought up at the Mission at Bartika Point: and the village had greatly increased in anticipation of the coming of a pastor. On the 15th May, 1838, Mr. Youd arrived at Pirara.

These events soon came to the knowledge of the Brazilians, for in June Mr. Youd accompanied Schomburgk to Fort São Joaquim. The latter had previously asked specially for permission to reside at Fort São Joaquim during the winter, and this was readily granted. It is quite evident that in this year, as in 1812, when Waterton went there, the Brazilian authorities treated São Joaquim as the point at which the frontier was entered. At any rate, no question was at this time, or for some months, raised as to the right of Mr. Youd to establish a British Mission station at Pirara.

The idea that they had some claim to occupy Pirara seems to have been suggested to the Brazilian authorities by the persons in charge of a slave-raiding expedition. In August 1838 an expedition arrived at Fort São Joaquim for the purpose of collecting Indians from the villages near that point. It seems possible that they had at first intended to attack Pirara, attracted by the flourishing village collected under Mr. Youd's care. But Schomburgk's presence at São Joaquim, and his influence with the Commandant, effectually deterred them from such an attempt, and their enterprise was turned in another direction. The incident, however, caused much anxiety both to the Macusi Indians and to Mr. Youd on their behalf; and subsequent events showed that this anxiety was justified. In October 1838, a Captain Leal, dispatched by the Brazilian Commandant at Manaus arrived at Pirara under instructions to investigate the nature of Mr. Youd's mission and to report on the true boundary of Brazil. His visit demands notice because he promulgated new and exaggerated ideas as to the claims of Brazil, and his visit to the Siparuni in November 1838, over territory to which Portugal had never in the

Brazilian Attempt on Pirara.

III, p. 40.

III, p. 87, *ad init.*

III, p. 41.

III, p. 43.

III, p. 43.

I, p. 216.

III, pp. 45, 47, 48.

II, Partie i, pp. 7, 9.

II, Partie i, p. 11.

II, Partie i, p. 15.

III, p. 87.

III, p. 87.

remotest degree pretended, was the real foundation of the extreme claim put forward by the Brazilian Government in the diplomatic correspondence attached to this Case.

For the present there was no interference with the British mission, and Mr. Youd, after
 II, Partie i, p. 13. asserting the right of the British to protect the
 Indians in the zone now under discussion, which
 II, Partie i, p. 11. he had traversed as far at least as the Canaku
 II, Partie i, p. 12. Mountains, and after visiting the tribes lying to
 the south between the Rupununi and Essequibo,
 returned in February 1839 to Georgetown, ap-
 parently to make definite arrangements for the
 establishment of another missionary station at
 Urua on the Rupununi.

Mr. Youd could not have been long back at
 Pirara before that place was occupied by Portu-
 guese soldiers, for Schomburgk found them there
 on the 1st May, 1839, and subsequently Captain
 Pedro Ayres required Mr. Youd to withdraw.
 III, p. 81.

Mr. Youd accordingly, in May or June 1839,
 removed to Urua on the Rupununi, where he
 had previously proposed to found the head-
 quarters of his Mission.
 II, Partie i, p. 15.

In July 1839, on his arrival at Georgetown,
 Schomburgk at once reported the action of the
 Brazilians and urged the British Government to
 take steps to assert their lawful claim up to
 the Cotinga and Takutu. Though Schomburgk
 had not an adequate knowledge of the strength
 of the claim he supported, as he was not fully
 cognizant of the facts which have been set forth
 in the previous chapters of this Case, still it
 is remarkable how well he appreciated the British
 rights, and how accurately the line which he
 recommended corresponded with what have been
 shown to be the historical facts.
 III, p. 86.

Schomburgk's First Memorandum.

The British Government waited for Mr. Schom-
 burgk's return to Europe before deciding upon
 their line of action.
 II, Partie i, p. 16.

Meanwhile, on the 1st February, 1840,
 Mr. Youd was called to a conference with the
 Brazilian Commandant and a Brazilian missionary
 who had lately come to Pirara, and was informed
 on the authority of the President of Para that
 Brazil claimed the Rupununi and upper part of
 the Essequibo as far as the 4th degree of north
 latitude. This claim he denied, and stated that
 he would obey no order to move unless it were
 in writing.
 II, Partie i, p. 22.

On his return to Urua Mr. Youd found a large
 II, Partie i, p. 19.

assemblage of Indians waiting with anxiety to know the result of his visit to Pirara; and the effect of his news is best told in his own words:—

“On Sunday evening the 11th February, five days after my return from Pirara, several of the principal men of the different tribes of Indians came before me and stated in very strong language their entire disapprobation of my leaving them, especially under such unfavourable circumstances, saying they considered my going in the light of running away now that trouble had come. They declared they would never submit to Brazilian control, for they were English subjects and on English ground; that the Brazilians came with a lie in their mouth, saying the land was theirs; and as to my moving my furniture, &c., as I was about to do, they could not consent to such a thing; let the English Governor take up the land at once; look at our salem-pores, our cutlasses, our guns, powder, and shot: did we get them from the Portuguese? Never. We got them from Demerara; we want nothing from the Portuguese. We have also begun to learn, and now you want to go, because the Brazilians tell you to go; you must not: the land is not theirs, they lie, and with many like words, informing me that many years ago Dutch gentlemen came up and went towards the Rivers Nava* and Takutu, and declared the land to be Dutch territory, in the name of Minerwa, the Caribees Chief, deceased, and other old men still living. I then said if such be your mind come and go down with me and see his Excellency, the Governor, I will request him to allow you to have an interview with him that you may plead your cause, and that of your different tribes. They then exclaimed at once, that is the very thing we want, let preparations soon be made. ‘Te Ka King nera-mai wotung sata,’ we will go and see the Governor. A few days after the above, the Wapeshana Chief, ‘Yawa-imdapa,’ accompanied by some of his people, and others of the Attorie and Taruma Indian tribes came, when the Chief addressed me in equally strong language, but, with tears in his eyes, declaring that I should not leave them: the land was Dutch or English, they had ever understood so, and the Portuguese lied in saying it was theirs. This Chief and part of his people will also come with me to see your Excellency, to make request for protection. He says the Brazilians have already kidnapped one of his sisters, on which account he hates their very name, and dreads to think of being in any part of their territory.”

In compliance with his promises to the Indians Mr. Youd sent down to the Court of Policy a petition for their protection against Brazilian claims, and this was enforced by a considerable deputation from the Indians themselves. II, Partie i, p. 17.

* *i.e.*, the Anava or Uanauau.

- II, Partie i, p. 15. Before learning of these details the British Government had on the 23rd April, 1840, sent instructions to the Governor of British Guiana with a view to maintain the integrity of the Colony "within the line which is assumed in Mr. Schomburgk's Map as bounding the Colony." The line referred to in Lord John Russell's despatch is the line of the Cotinga and Takutu, and the map is the original sketch map made by Schomburgk in 1839, and reproduced as No. 21 in the Atlas which accompanies this Case.
- Schomburgk made Boundary Commissioner. II, Partie i, p. 23. In November 1840, Schomburgk was selected to make a preliminary survey of the whole western and southern boundary of British Guiana; and on the 1st December, 1840, started for the Colony on that commission. Almost simultaneously Her Britannic Majesty's Minister at Rio was informed of the fact, and requested to intimate to the Brazilian Government that the Governor of British Guiana had instructions "to resist, in the meantime, any encroachment upon Pirara or upon the territories near the frontier."
- Ibid. The necessary intimation was made to the Brazilian Government in February 1841.
- II, Partie i, p. 26. In the meanwhile, the Governor of British Guiana had learned from an Indian trader that the Brazilians were consolidating their occupation of Pirara by fortifying the village, and he had sent up a special Commissioner, Mr. Crichton, with the following instructions:—
- II, Partie i, p. 24. "By the authority vested in me, I hereby authorize and command you, William Crichton, Esq., Inspector-General of Police of the Province of British Guiana, to proceed with all due speed to Pirara, on the confines of the Brazilian territories, there to place yourself in communication with the nearest Brazilian authorities, and to declare to the superior civil or military officer that, pending certain surveys now commenced for fixing the boundaries of British Guiana, and during the negotiations now in progress between the respective Governments of the surrounding countries, no encroachments on Pirara hitherto occupied by independent Indian tribes can be permitted. It will be your duty to insist firmly, but with all due regard to the existing relations of harmony between the respective Governors of Great Britain and the Brazils on the abandonment of the post of Pirara.
- "You will inform the Brazilian authorities that instructions have been given to the Envoy of Great Britain at Rio de Janeiro, to state to the Brazilian Minister for Foreign Affairs that the Governor of

British Guiana has been instructed to resist any encroachment on Pirara, or upon the territories near the frontiers, which have been hitherto occupied by independent Indian tribes."

Mr. Crichton left Georgetown about the 10th February, and arrived at Pirara-landing on the 4th March: he sent a messenger on to the Brazilian Priest at Pirara village the next day. On the 6th or 7th March he had a conference with the Priest-Commandant at Pirara, and informed him that the advance of Brazilian outposts from São Joaquim to Pirara was an encroachment which the British Government could not tolerate or permit, and that the force which Father José commanded must evacuate the village pending the negotiations of the two supreme Governments. After some argument Father José stated that he was prepared to evacuate on a show of force, "adding that not one Indian would stand in his support." But Mr. Crichton declined to be responsible for any overt act of force. Eventually the Commandant of São Joaquim arrived at Pirara, and another conference took place, at which the question of title was informally discussed.

On the 15th March Mr. Crichton addressed to Captain Leal and to Father José jointly a formal demand for the evacuation of Pirara and the surrounding territory. They replied that they would transmit this communication to their Government, and Mr. Crichton soon afterwards left the village. Father José set out to Para to bear to the central Government the intimation which Mr. Crichton had left.

Soon after the return of Mr. Crichton the Governor of British Guiana urged the formal occupation of Pirara by British troops, and Her Majesty's Government decided that this course was desirable. By despatch dated the 28th August, 1841, this decision was communicated to Her Majesty's Minister at Rio, with instructions to inform the Brazilian Government that Her Majesty's Government had decided to send a detachment of troops to Pirara in order to prevent the recurrence of encroachments in that quarter.

On the 10th November, acting on information which had been sent to him before the Brazilian Government at Rio could have received the above intimation, the Brazilian Minister in London, Senhor Lisboa, called the attention of Her Majesty's Government to the demand made in

II, Partie i, p. 32.

Ibid.

II, Partie i, p. 33.

Ibid.

II, Partie i, p. 34.

Ibid.

II, Partie i, p. 35,
ad fin.

II, Partie i, p. 36.

II, Partie i, p. 36.

British Occupation of Pirara.

March by the Colonial Commissioner, Mr. Crichton, and announced the appointment of a Brazilian Boundary Commissioner to meet Mr. Schomburgk.

The reply of Lord Aberdeen so clearly puts the attitude of the British Government that it seems desirable to quote the more important portion of it:—

II, Partie i, p. 36.

“The Undersigned has attentively examined the documents relating to the boundary in question, and the reports which the British Government has received respecting the proceedings to which M. Lisboa refers, and he begs leave to state to M. Lisboa that it appears to Her Majesty’s Government that the acts of the Brazilian authorities, who, in February 1840, expelled the English missionary, Mr. Yend, from the village of Pirara, and who followed up that expulsion by advancing the Brazilian outposts from Fort St. Joachim on the Rio Branco to Pirara, constituted an encroachment which Her Majesty’s Government could not pass over, and fully justified the Governor of British Guiana in summoning the Brazilian garrison to withdraw from Pirara.

“The Undersigned has to acquaint M. Lisboa that Viscount Palmerston sent instructions in August last to Her Majesty’s Minister at Rio de Janeiro, directing him to inform the Brazilian Government that, in order to prevent the recurrence of similar encroachments, Her Majesty’s Government had determined to send a detachment of troops to Pirara.”

II, Partie i, p. 37.

At the end of December 1841, Mr. Schomburgk, who had returned from his survey on the western frontier of the Colony, proceeded to the southern frontier. He was charged with a letter to the Officer Commanding the Brazilian troops at Pirara, announcing the impending arrival of

II, Partie ii p. 43.

British troops. Proceeding slowly in unfavourable weather, he arrived on the 9th of February at Pirara-landing (the Portage), and at once sent on an officer to Pirara, which was found practically deserted, but nominally occupied by four Brazilians.

II, Partie i, pp. 38, 49.

II, Partie i, p. 44.

The British troops left Georgetown on the 7th January, and on the 12th February the advanced guard arrived at the Landing. On the 13th Mr. Schomburgk himself went on to Pirara, and without delay sent messengers to a Macusi village called Awarra and the Canaku Mountains to announce his arrival. On the 14th

II, Partie i, p. 45.

February Lieutenant Bingham and the troops marched into Pirara and hoisted the British flag.

Pirara, which before the Brazilian occupation had been a flourishing village, was found to have fallen into a state of decay and desertion, which formed a melancholy contrast to its former appearance. But as soon as it was known that British troops had taken possession of it, the Indians began to return in considerable numbers. The appearance of the British force was welcomed by the Indians generally throughout the zone.

It was not till the 25th February that any Brazilian official arrived at Pirara in response to the various intimations which had been sent to Fort São Joaquim. The person who then came was Father José, and on the 27th February he was joined by Captain Leal. These Brazilian officers said that they were precluded by their instructions from evacuating the village; but on learning that Lieutenant Bingham's instructions were peremptory they left on the 3rd March under protest, reserving the rights of their Government. They similarly protested against any boundary operations which were to be carried out by Mr. Schomburgk. II, Partie i, p. 46.

The British detachment remained until the 1st September, 1842, in occupation of the district surrounding Pirara, near which, at a point which they called Fort New Guinea, they built guard-house, magazine, and barracks. No incident of importance marked their stay. II, Partie i, p. 49.

On the first announcement to the Government of Brazil that this occupation was intended, Senhor Aureliano Coutinho, the Brazilian Minister for Foreign Affairs, after a review of the claims of Brazil, proposed that the existing difficulties should be met by the neutralization of Pirara pending the settlement of the question. His proposal was in the following terms :—

“ Reserving, then, all its titles, in order to make them available at the fitting time, it (the Brazilian Government) agrees to order the retirement of its authorities and of any military detachment from Pirará and to recognize provisionally the neutrality of that place, under the conditions stated by Great Britain, that the tribes of Indians should remain independent, and in exclusive possession of the territory, until the definitive decision of the contested limits; and, likewise, that consequently no English force should remain at the same points; but ecclesiastics only of the two religions, Catholic and Protestant, employed in the civilization of the aborigines, and the subjects (without military character) of both II, Partie ii, p. 6.

Crowns, who may happen to be necessary to take care of private property, or for purposes of jurisdiction or superintendence, and such relations as may originate from the provisional state of things, which it is in view to establish, and on these points the two Governments may come to an understanding through their Plenipotentiaries."

This proposal was made on the 8th January, 1842, but it did not reach Her Majesty's Government till the 28th April.

II, Partie i, p. 52.

Her Majesty's Government decided that, in view of this readiness of the Brazilian Government to refrain from the armed occupation of Pirara and from interference with the Indian tribes in that neighbourhood, it was unnecessary to maintain an expensive detachment at that place, and on the 15th June orders for the withdrawal of the occupying force were sent to Demerara. The British Chargé d'Affaires was at the same time instructed to inform the Imperial Government at Rio of the decision.

Ibid.

II, Partie i, p. 56.

II, Partie i, p. 47.

II, Partie i, p. 57.

The protests which were made by the Governor of Para and the Imperial Brazilian Government require only passing mention, as they were not received by the British Government till long after they had taken action for withdrawing their troops.

II, Partie i, p. 59.

II, Partie i, p. 65.

II, Partie i, p. 66.

II, Partie i, p. 65.

The Governor of British Guiana lost no time in carrying out his instructions to withdraw the detachment, and while the boats and convoy were being prepared, he at once sent off a messenger to Pirara with despatches for that place and Fort São Joaquim, informing the Portuguese authorities of the arrangement proposed by the two Governments. Of these despatches Mr. Crichton was bearer. They reached Lieutenant Bingham at Pirara on the 22nd August, and intimation was at once sent on to Fort São Joaquim, and was acknowledged on the 26th August. On the 1st September, the detachment left Pirara and on the 14th arrived in Georgetown.

II, Partie i, pp. 59, 60.

Meanwhile, Schomburgk had finished his survey of the southern frontier, and had at certain points of his provisional line placed marks indicating the British claim. The intimation that he had placed such marks at the mouths of the Takutu and Mahu reached the Brazilians at Para before the announcement of the decision of Her Majesty's Government to withdraw their detachment from Pirara; the result was a new protest from the Governor of Para, which antici-

pated the more formal protest which was made later.

On the 29th August, almost at the moment when the British force was completing its preparations to start homeward from Pirara, the British Chargé d'Affaires at Rio recorded in the following terms the assent of Her Majesty's Government to the proposition of the Brazilian Government contained in Senhor Coutinho's note already quoted :—

Agreement of 1842.

“The Undersigned lost no time in communicating to his Government the note above mentioned, and in answer he has been instructed to notify to the Brazilian Government that Her Majesty's Government acquiescing in the provisional arrangement as therein set forth by Senhor Aureliano, on a perfect understanding that the Government of Brazil will strictly abide by the conditions thereof, have determined to withdraw the detachment of British troops occupying the disputed territory of Pirara with all practicable expedition, and have issued orders to that effect to the Governor of British Guiana. II, Partie i, p.161.

“Relying on the complaisance of the Minister of Foreign Affairs for being enabled to report to the Queen's Government the full and entire adhesion of the Imperial Government to this provisional arrangement by the first packet, the Undersigned has the honour to reiterate to his Excellency, &c.”

And on the 3rd September Senhor Coutinho replied as follows :—

“The Undersigned, &c., acknowledges receipt of the note dated the 29th ultimo, addressed to him by Mr. Hamilton Hamilton, &c., referring to a note of the 8th January this year, in which the Undersigned, having in view a preceding correspondence with the British Legation, expressed himself to the following effect :— Ibid.

“Reserving then all its titles, in order to make them available at the fitting time, it (the Imperial Government) consents to withdraw its authorities, or any military detachment from Pirara, and to recognize provisionally the neutrality of that place, under the condition stated by Great Britain, that the Indian tribes should remain independent, and in exclusive possession of the territory until a definitive decision as to the contested limits : and likewise, and consequently, that no English force should remain at the same points, but only ecclesiastics of the two religions, Catholic and Protestant, employed in the civilization of the aborigines; and the subjects without military character of both Crowns, who may happen to be necessary for the preservation of private property, or for purposes of jurisdiction or superintendence, and such relations as

may originate from the provisional state of things, which it is in view to establish; and on these points the two Governments may come to an understanding through their Plenipotentiaries.'

"Mr. Hamilton terminates the said note with an assurance that he was instructed to notify to the Imperial Government that Her Britannic Majesty's Government, acquiescing in the provisional arrangement as therein set forth by Senhor Aureliano, on a perfect understanding that the Government of Brazil will strictly abide by the conditions thereof, have determined to withdraw the detachment of British troops occupying the disputed territory of Pirara with all practicable expedition, and have issued orders to that effect to the Governor of British Guiana.

"The Undersigned hastened to carry this affair into the august presence of His Majesty the Emperor, and has the honour to signify to Mr. Hamilton that he is commanded to state in answer that the Imperial Government adheres perfectly to the measures recited in the note to which he is now replying."

This may be considered as closing the incident of the actual collision on the frontier. Henceforward the two Governments, broadly speaking, faithfully observed the conditions indicated in the above exchange of notes, and for sixty years the British Government have foreborne to occupy definitively a district which has been shown in this Case to have been for a century and a half under the influence of their Dutch predecessors, and at all times quite independent of Portuguese interference.

From this time as between the two Governments the question of boundary may be considered as having passed into the sphere of diplomatic discussion, which will be reviewed in a separate chapter.

But while diplomatic methods halted and waited, as they eventually did, for sixty years in all, the territory in dispute was in a manner left to work out its natural destiny; and such information as is extant respecting the course of events during the last sixty years is of great importance in determining the nationality of the zone to which the dispute is now limited.

CHAPTER VI.

THE HISTORY OF THE ZONE FROM 1842 TO THE PRESENT DAY.

In the previous chapter reference has already been made to Mr. Schomburgk's survey of the southern portion of the boundary-line claimed by Great Britain. Mr. Schomburgk for this portion of his survey made Pirara his headquarters: he left that place on the 26th March, 1842, and after determining the point of junction of the Ireng (Mahu) with the Takutu, traced the Takutu to its source, which was reached on the 7th May: he surveyed also part of the district between the Takutu and Rupununi, and returned to Pirara on the 22nd May. There he remained till the 11th September, when he left to continue his survey to the northward: after waiting for some time at the mouth of the Cotinga, inquiring for the Brazilian Commissioner and seeing Brazilian officials, he proceeded up the Cotinga and formed a survey camp near Roraima about the end of October. Thence, on the 4th December, 1842, he sent the greater part of his expedition back to Pirara, where it remained under the command of Mr. Fryer, while he himself continued the survey along the frontier between British Guiana and Venezuela.

Schomburgk's action in placing marks at the confluence of the Mahu and Takutu was made the subject of a formal protest by the Brazilian Minister in London in October 1842, and the removal of the marks was requested; the British Government undertook to order the effacement of marks which, though merely a record of a claim, were found to wound the susceptibilities of a friendly Government.

About the beginning of March 1843 Schomburgk again left Georgetown for Pirara to rejoin the staff of his expedition. He arrived there on the 28th March. He found the village itself almost deserted. Two Brazilian officers, Major Coelho and Captain Leal, had, in the previous January, visited Mr. Fryer there, and

Schomburgk's Survey.

- III, p. 135. had evidently left some of their people behind, for Schomburgk's first duty was to report on the misconduct of two Brazilians, who had been guilty of outrages against the few Indians who had remained at Pirara after the departure of the British troops.
- III, p. 138. On the 16th April Major Coelho and Captain Leal paid a visit of ceremony to Mr. Schomburgk at Pirara, and a few days later Colonel de Mattos, one of the Boundary Commissioners appointed by the Brazilian Government, sent a message from São Joaquim, expressing his regret that he had been unable also to come and see him.
- II, Partie i, p. 78.
- III, p. 138. On the 30th April, 1843, Schomburgk left Pirara, and ascended the Rupununi almost to its source, thence proceeding overland in order to reach the water-parting between the Essequibo at its source and the streams which flow into the Amazon. Having crossed the watershed at the point where the two systems most nearly approach (thus also practically discovering and making known to geographers the sources of the Trombetas), he worked his way through many perils eastward to the Corentyne, and verified the line which he had claimed as the southern boundary of British Guiana in his sketch map of 1839.
- III, pp. 139-141.
- Atlas No. 21.

Schomburgk's Authority.

The survey made by Mr. Schomburgk demands special attention, as having had a very sensible effect on the history of the territory now in question. Schomburgk was distinctly, and, above all things, a scientific explorer. He arrived at his conclusion as to the southern boundary of British Guiana when he was on a purely scientific expedition; and when later he was employed by the British Government he did not in a single particular go beyond the line which he had originally suggested; his reports show that he was careful both as to historical and geographical data. He was the first man to trace to their sources the Takutu, Rupununi, and Essequibo, and is still, it is believed,* the only European who has penetrated to the Acarai range and the water-parting between the headwaters of the Trombetas and those of the Essequibo and Corentyne. He was also the discoverer of Mount Roraima. No other name is

* M. Condreau scarcely did more than touch the western extremity of the range.

so intimately connected with the whole of the zone now in dispute. No authority is comparable to his upon a question of boundary in this region.

Schomburgk's results were at once adopted by geographers of repute; but locally his survey had a still more important effect: it was notorious to the Indians; they knew where he had been and where he had left his marks at many points along the western boundary of the zone now in question, whereas nothing was done by the Brazilians in the way of surveying any part of the zone. The Indians soon realized that within the line so marked the arrangement between the British and Brazilian Governments insured them the provisional protection of the British Government, to which they were then, as now, entirely attached. It is submitted that this fact went far towards establishing a well understood boundary, and that in determining the question of boundary the feeling of the population inhabiting the territory in question is entitled to great weight. III, p. 100.

A proposal of Governor Light, to send up an official occasionally to see that the neutrality of the disputed territory was respected, was approved by the Queen's Government; but it would appear that for many years after 1843 the zone was left without direct interference of the Government on either side. In October 1843, a Brazilian Indian was alleged to have been killed at Pirara in consequence of outrages committed by him; and in November 1843, complaints were made to the missionary station at Waraputa of ill-treatment of Indians near Pirara by stray Brazilians: there seems also to have been an exploration by British subjects who entertained a project of colonization. But otherwise there is no record of any occurrence within the zone now in question for more than fourteen years. The alleged outrages were denied by the Brazilian Government when appealed to by that of Great Britain, and counter-charges were made that the British mission station at Waraputa was a place of refuge for disaffected Brazilians. The communication of the British Government seems to have led to a visit of the Commandant of Fort São Joaquim to Pirara in January 1845; but nothing more was heard of either the complaints or the counter-complaints. II, Partie i, p. 58.
II, Partie i, p. 64.
II, Partie i, pp. 79, 80.
II, Partie i, p. 81.
II, Partie i, p. 83.

All active interest of Brazil in the zone now in

dispute died out almost as rapidly as it had been raised, and before 1852 the Brazilian mission which represented Fray José's efforts to supplant Mr. Youd had been transferred to Porto Alegre, on the Rio Branco.

The territory, however, was not left entirely outside the range of slave-raiders coming from Brazilian territory: complaints of outrages were made in 1857 by an Atorai Indian who held a Captain's commission from the British Government, and were indorsed by an Englishman who had been prospecting for minerals in the zone in question. The matter was dealt with by representations to the Brazilian Government, who, without delay, sent instructions to insure the cessation of any incursions on the Indians within the line claimed by Great Britain.

For just upon thirty years from this last date (1857) official records are absolutely silent as to the territory now under discussion. Its story must be gathered from other sources. It is a story which shows that quite naturally, as soon as they were left in peace, the natives within the zone dropped back into the habit of their ancestors and traded with the "men from the sea (Parana-Kiri)," whose jurisdiction they acknowledged.

II, Partie i, p. 100. Some time about 1860 John Bracey, an
British Traders in the Zone. "intelligent creole," took up his residence at
II, Partie iii, p. 3. Dar-awow or Dow-rawow on the left bank of
the Rupununi within the zone now in question.
Ibid He traded with the Indians "up and over
the Takutu," and spoke the Macusi language.
II, Partie iii, p. 3. About 1864, another trader, named William de
Roy or Rooy, came and settled close to the same
spot. This caused Bracey's removal to Quatata,
near the forsaken Pirara; but he did not stay
very long there, moving to Quimata lower down
the Rupununi, and outside the zone now under
arbitration: there he resided and traded till his
death.

De Roy, who was originally a clerk in a store in Georgetown, much frequented by the Indians from the savannah, resided at Dar-awow from about 1864* till his death, making occasional trips to Georgetown where he also had a residence. He traded up to and beyond the Takutu,

* Mr. McTurk, C.M.G., on the authority of De Roy, makes it 1861, but this conflicts with Bracey's dates.

but knew no Indian languages, trusting to his wife's knowledge of these.

Much about the same time, certainly prior to 1870, one Christy established his head-quarters at Galinamata (more accurately Carinamata), a Macusi village on the savannah, just north of the Canaku Mountains and within a day's walk of the Takutu. He did a regular trade with the Indians, getting his supplies from Georgetown.

Cornellisen and Cephas were other itinerant traders who traded with the Indians round Pirara, and it is noticeable that both these men carried on their transactions in Creole Dutch. Cephas seems to have gone further than the others, as he extended his journey not only to the Takutu which, however, he never crossed, but also as far as the Atorais, towards the very sources of the Essequibo.

Amongst these traders, whose life on the savannahs covers the whole period from 1860 to 1890, John Bracey seems to have been recognized by the Indians as a sort of protector, and his warning to Brazilians dated November 1870 is an indication of the manner in which he invoked for the Indian tribes the guarantee of British nationality. It evidently had its effect, and was respected by Brazilians who strayed east of the Takutu.

In the years 1869-71 the whole of the southern part of British Guiana, including all the zone under discussion, was explored by Mr. Sawkins and Mr. Brown, who had been appointed by the Colonial Government to make a geological examination of the Colony. On their first journey to the south the two colleagues started together, but afterwards decided to take separate lines. Brown reached the mouth of the Rupununi on the 6th January, 1869, travelled by Anna-i and Pirara-landing to the savannah and thence worked northward to the Pacaraima chain, and so on to Roraima. He returned by the same route, and was at Pirara-landing on the 24th February. After visiting the site of Pirara he proceeded to explore part of the Ireng (Mahu) River, and finally left the Mora on his way down the Rupununi on the 22nd March. On the second journey Sawkins was accompanied by Brown till the 30th September, 1869, when the latter went up the Rewa or Quitaro. Sawkins proceeded up the Rupununi till the 16th October, and then made across the Savannahs to the

II, Partie iii, p. 3.

II, Partie iii, p. 3.
Cf. II, Partie ii,
p. 98.

II, Partie iii, p. 4.

British Geological Survey

Brown and
Sawkins, Reports
on the Geology of
British Guiana,
p. 57.

Ibid., p. 64.

Ibid., p. 75.

- Brown and Sawkins, Reports, p. 96. Canaku Mountains, returning to the Rupununi at Anna-i landing on the 2nd November. The rest of his journey was east of the zone now in question, while Brown's explorations on this occasion were between the Rewa and the main stream of the Rupununi. They were back at Georgetown on the 2nd December, 1869. The third journey was accomplished by Brown alone. After exploring the Essequibo almost to its sources in October and November, 1870, he returned to the Rupununi, and made his way up it to Karinambo. Making Karinambo his headquarters, he proceeded first to explore the Takutu, and then to traverse part of the savannah. But he gave his chief attention to the Cotinga and Ireng (Mahu), which he explored more thoroughly than they had ever been explored before, making very important corrections in the geography of this district. This occupied from the 25th December, 1870, to the 14th February, 1871. It was at the conclusion of this exploration that Brown paid his visit to the "Brazilian frontier fort of St. Joaquim," when he noted the existence of the two cattle farms of San Bento and San Miguel on the Parima, west of Fort São Joaquim. Between the 24th February and the 10th April Brown traversed practically the whole of the southern portion of the zone now in dispute. His journey later in the year to the sources of the Corentyne does not require notice in this Case.
- Ibid., p. 97.
- Ibid., pp. 135-145.
- Ibid., p. 146.
- Ibid., pp. 161-9.

A few extracts from the book of travels which Brown afterwards wrote afford interesting, because quite casual, evidence of the manner in which by 1870 the zone now disputed by Brazil was permeated by British influence, and naturally dependent on the British Colony.

Writing of a place near Anna-i, he says :—

Brown, "Canoe and Camp Life in British Guiana," p. 104

"At the village I engaged a Macusi, called Henry, to come with us as interpreter, he being able to speak English a little, and Dutch patois fluently from having lived at the Grove for a considerable period."

He mentions one of the British traders in the zone in the following passage :—

Ibid, p. 303.

"A white man, named Christy, passed up river one

day with a Brazilian* Indian, on his way to the abode of the latter, on the Rupununi, in the Canucu mountains. He stopped and had a chat with us, stating that he had come up to barter for hammocks."

Another passage shows how the Brazilians at this time respected the Schomburgk line:—

"At Berkutone [a village close to the Canaku Mountains] we learned that the deserters from the fort had crossed the Takutu, and passed through that village on their way to the Rupununi. They had been followed by two men on horseback as far only as the banks of the Takutu."

Brown, "Canoe and Camp Life in British Guiana." p. 305.

The following reference to the Atorais is interesting:—

"From that camp [on the Upper Rupununi] we went in a westerly direction to Cartunariba village, the residence of an Atorai named Robert, who spoke very fair English and styled himself the 'Captain of the Atorai nation.'"

Ibid., p. 313

And again:—

"On reaching Daruwow village we put up in a large house belonging to a young Atorai Indian, named Christian, who we found was another swell like Robert, wearing clothes, and also claiming to be Chief of the Atorai Indians by lineal descent. He was an Indian in ten thousand, for he had been sent by his father, the old original Atorai Chief, to the Grove to school in Georgetown, where he learned to read, write, and cipher. He spoke English, I might say fluently, and asked me what was the news."

Ibid., p. 314.

And another sentence refers to Bracey as living at Dar-awow:—

"A Creole trader from the coast, named John Bracey, had a residence in the village, but at the time was away from home, having gone down to the Grove with hammocks, which he had purchased from the Indians, and taken most of the inhabitants of the place with him."

Ibid., p. 314.

* For the explanation of this term, the following passage from Mr. im Thurn's "Among the Indians of Guiana," p. 17, will serve:—

"One evening we reached a hut on the Paripie Creek belonging to some half-bred Brazilian Indians. These people, called Nikari-Karus, are hybrids between Brazilians and Indians of various tribes. Their proper home is on the frontier of British and Brazilian territory; and the few settled on the Essequibo are deserters from the frontier forts and cattle farms, where, at any rate until recently, the labour done was forced."

im Thurn's Travels.

II, Partie i, p. 97,
ad fin.

im Thurn,
"Among the
Indians of
Guiana," p. 39.

Ibid., p. 40.

Ibid., p. 41.

About 1877, two British traders, Flint and Eddington, established themselves at Pirara.

Some seven years after the geological survey of British Guiana by Mr. Brown and Mr. Sawkins, *i.e.*, in 1878, another English traveller, Mr. im Thurn, spent a considerable period amongst the Indians at Pirara, and became more thoroughly acquainted with the Macusis and Wapisianas than any traveller before him. His work on these Indians is a classic in this kind of literature. He shows that they considered themselves, and he considered them, British subjects. His only reference to the boundary question is worth quoting in full:—

"On going down to Yarewah on the Takootoo, we found the two canoes which we had engaged, and from there we once more started on a river journey. But now, instead of being on a river of the Essequibo system, we were descending the watershed of the Amazon. The Takootoo runs into the Rio Branco, that into the Rio Negro, and that into the Amazon at Manaos. From Yarewah the boundary between the Brazilian and British territories passes along the Takootoo, until that river is joined by the Cotinga, which flows in from the north, and up which the boundary-line passes. This is the line laid down by the Boundary Commission under Sir Richard (*sic*) Schomburgk about 1840, and is really accepted by both nations, in spite of the vague claims which, as I have said, have been advanced by the Brazilians to the land between the Takootoo and the Roopoonooni. The Commandant of St. Joaquim, an educated Brazilian gentleman, and the chief resident official on that frontier, in his conversation fully recognized the boundary-line thus described. I have been led to say so much on this subject because this part of the boundary is generally wrongly laid down in even the standard English atlases;* and it is much to be desired that this, as well as the boundary-line between British Guiana and Venezuela, should be more correctly represented."

Mr. im Thurn's description of Fort São Joaquim and the surrounding district at this period may also be quoted:—

"This fort was built more than a century ago by the Portuguese. It consists merely of a two-roomed house, under which is a lock-up, while a rampart surrounds the whole. When Schomburgk visited the place about 1840, he found a Jesuit Mission with a chapel and a few houses. But these have now disappeared, and the fort and the range of low huts serving as soldiers' quarters

* This statement was too sweeping. See the chapter on Maps which follows.

alone remain. For many years past it has barely been kept in repair, and, as it is now perfectly useless as a military station, the Brazilian authorities are said to intend abandoning it. It is certainly quite time; the gates are never shut—indeed only one of them is left; no sentinel paces the ramparts, no bugle ever sounds."

At this period the Brazilian cattle farm nearest to the zone now in question was west of the Cotinga, opposite the point where it meets the Takutu. im Thurn, "Among the Indians of Guiana," p. 47.

The expeditions made by Mr. McTurk in 1878, Mr. Whitely in 1883, and Mr. im Thurn and Mr. Perkins in 1884, with a view to the ascent of Roraima, barely touched the northern part of the zone now under discussion, and are mentioned merely to show the activity of British exploration in the remotest parts of the Colony. Mr. Perkins incidentally shows that the Indians at Koncarmo, on the Upper Ireng or Mahu, had been converted from paganism by visits to a British mission on the Potaro. Within a year or two Koncarmo itself became a mission station.

In the autumn of 1887 the attention of Her Majesty's Government was called for the first time to the Report laid before the General Legislative Assembly of Brazil by the Minister of Foreign Affairs in 1884. This Report contained an Appendix which seemed of great importance in this question. It was the Report of a Joint Commission of Brazilians and Venezuelans upon the demarcation of their common boundary. A portion of this Report purported to describe the proceedings of these Commissioners during part of 1883 and 1884 in the zone now under discussion, and the map attached to the Report laid down a line of boundary which absolutely ignored the claims of Great Britain. Both Report and Map will be found reproduced in the Appendix to this Case. II, Partie i, p. 96.

Alleged Brazilian Trespass.

The apparent infraction of the rights of the British Government was at once made the subject of careful inquiry by the latter. The Governor of British Guiana was instructed to send up at once to the territory claimed by Great Britain a competent officer, with a sufficient escort, to make inquiries as to the truth of the encroachment. Mr. im Thurn, who had recently entered the Government service, and was the officer selected, left Georgetown on the 3rd January, 1888: even before starting he gave his reasons for doubting II, Partie i, p. 96.

II, Partie i, p. 99.

whether the Commissioners had really set foot in the zone now in question. His observations on the subject deserve citation:—

II, Partie i, p. 97.

“I was at Pirara, which is in the neighbourhood of Annai, for nearly five months in 1878, and made myself thoroughly conversant with the Indians (Macousis and Wapianas) of that district, and I was at Roraima in 1884, when I made the acquaintance of the Arekoonas of that district. I have thus personal acquaintance with both the terminal points of the line of limitation. But there is a portion uncertain, but of no great extent, about the middle of this line, of which I, in common probably with the Brazilian Commissioners, have no personal knowledge.

“The Indians, both about Pirara and Roraima certainly considered themselves as English subjects; they speak English in addition to their own languages, and all their trade is directed to the coast of British Guiana. Moreover, they have a name signifying foreigner for all persons from the Brazilian side, and they manifest considerable timidity towards such persons. Yet none of them, either at Pirara in 1878, or at Roraima in 1884, made any mention of any visit of Brazilian or Venezuelan Commissioners.

“Fort St. Joaquim, on the Rio Branco, was, at the time of my visit to Pirara in 1878, and for at least forty years had been, the nearest Brazilian outpost to our frontier, and at that time the Commandant of the fort, with whom I spent two days, expressed more than once entire ignorance of the existence of such a mountain as Roraima. This ignorance of such an official is surely significant, considering the very remarkable nature of Roraima, of the non-existence of any political interest felt in the mountain by the Brazilian authorities. Moreover, towards the end of 1882, four years after my visit, I was informed by several parties of Indians from Pirara that Fort St. Joaquim had been abandoned, and was in complete ruin. As the garrison belonging to it had dwindled down, even in 1878, from the very considerable number mentioned by Schomburgk to a quite insignificant number, and as the Commandant himself informed me that his Government was about to abandon the outpost, I think it extremely likely that this was indeed done before 1882. This would still further indicate that up to that date the Brazilians were completely indifferent to any special boundary in that direction.

“But it is only asserted that it was some time between 1880 and 1884 that joint action was taken in that neighbourhood by the Brazilians and Venezuelans. So far as I know, no Englishman likely to report his observations has been near Pirara since my visit. But I know of at least three traders from Georgetown who have been there since, two of them constantly. Yet, in the course of several conversations, one as lately as November 1886, with these traders, on the subject of

the Pirara district, I have never heard a single word of any visit from Brazilians. Moreover, as regards the neighbourhood of Roraima, I feel almost certain that no Brazilian visit had been made up to the time I was there in 1884."

On the 13th March Mr. im Thurn had returned, II, Partie i, p. 99. and his report confirmed the view he had previously announced in the statement just cited—that the Brazilian and Venezuelan Commissioners had not personally been within the zone. Mr. im Thurn had been to Quimata on the Rupununi at John Bracey's settlement; thence he had gone to Anna-i and across the hills towards Roraima, inquiring of every Indian he met. He had also been to the site of Pirara and Quatata, both of which he found abandoned, though the neighbouring villages were much as they had been on the occasion of his previous visit in 1878. His conclusions as to the absence of any Brazilian aggression beyond the Schomburgk line were very decided.

"At or near Quimatta lives, and has lived for part of II, p. 100. each year for twenty-six years, Mr. John Bracey, an intelligent creole, who, throughout his residence in these parts, seems to have been, as he now is, on unusually intimate and friendly terms with the Indians of that neighbourhood. Remembering the perfectly marvellous speed with which news spreads among Indians, and the eagerness these same people evince to impart their information, it is quite inconceivable that Brazilian or Venezuelan Commissioners or any other foreigners should have crossed the Takootoo into our territory without news of the event being at once brought to Mr. Bracey. From him, therefore, I obtained information which I shall presently detail. I afterwards walked, or rather climbed—for the whole district is exceedingly mountainous—from Annahee (Annai) to within sight of Mount Roraima (the two points specially mentioned by the Commissioners), making inquiry of every Indian I came across. The few Indian tracks from one of their remote villages to another being absolutely the only means of traversing the country, it is quite impossible that any Brazilian-Venezuelan Commission, or any party of foreigners or white men, could, unknown to the Indians, traverse the district. I made it a point, therefore, to make all possible inquiries, corroborative or otherwise, of Mr. Bracey's account from these Indians. The result of all these inquiries I may sum up as follows --

"Mr. Bracey told me that about three years ago frequent rumours reached him that a party of Cariwa (*i.e.*, Brazilians) were approaching the Takootoo, with the intention of crossing it, to visit Quimatta and Annahee

(Annai); but this party, even if it ever approached, never actually came into our territory (I would, in passing, point out that the date suggests that these rumours referred to the above-mentioned Commission). Again, about ten years ago, the Indians asserted that the Brazilians were preparing to make a road from their cattle farms on their own side of the Takootoo through our Tarroma country (*i.e.*, the county lying between the sources of the Essequibo River and the Rewa River) to some point on the Amazon; but no steps were ever actually taken to commence this work. Moreover, from time to time, though at long intervals, a few of the Brazilian cattle-farmers from the other side of the Takootoo have crossed that river into our territory for the purpose of engaging a few Indians as assistants on their farms. No other intercourse had taken place during the last quarter of a century across the Takootoo.

“As this was in all essential points confirmed by every Indian I met, it may safely be assumed that the Brazilian-Venezuelan Commissioners never trespassed personally on this portion of British territory, and, though they theoretically infringed our rights by drawing their line from Mount Annahee to Mount Roraima, this was done only in imagination. The practical defect in their proceedings is doubtless covered by the statement they make, that they “did not traverse the whole line laid down on the map, but ascertained points on it, and filled in the line between these points.” This must be freely interpreted as meaning that they set foot on no part of this British territory claimed by them.”

Strange therefore as it appears, there can be scarcely a shadow of doubt that much of the detail contained in the reports of the Brazilian Commissioners is partly imaginative, partly worked up from other reports and from hearsay. In fact this is practically admitted in a later statement of the Brazilian Government. Their Map also can be shown to convict them.

Mr. im Thurn did, however, obtain information which pointed to the fact that the Brazilian Commissioners had been near the Takutu, and he learned that there was occasional intercourse between the Brazilian cattle-farmers and the Indians on the east or British side of the Schomburgk line.

Inasmuch as the Brazilian Commissioners just referred to did not set foot to the east of the Cotinga or Takutu, the more importance should be attached to their admission as to the British proclivities of the Indians who dwell not only within the zone now in question, but also, if any sort of accuracy can be attributed to the ideas of the report, well to the west of the zone, in terri-

tory which His Britannic Majesty's Government does not seek to claim.

"Throughout this cordillera [*i.e.*, Pacaraima] wigwams of Brazilian and Venezuelan Indians are found, The Macuxis and Aricunas hold the heights of the cordillera, the Uapixanas its base. In spite of their being within the territory of these two Nations, the authorities of Demerara have endeavoured to suborn them, declaring to them that they are English, and even establishing in their wigwams schools directed by Indians, to whom they have already taught the language. II, Partie i, p. 90.

"In some of these habitations I met with divers Indians possessed of pamphlets, written in English. For all that I begged for one of these pamphlets, offering their owners rewards which they would have been proud to possess, I never found it possible to obtain a single one, so great was the esteem in which they were held. Not a single Indian whom I met with in this district knew how to pronounce the word *sim* (yes) in Portuguese or Spanish; on the other hand, all of them knew how to say 'Yes'; this is the result obtained by the English, who, little by little, are instructing them, after their fashion, in religious matters.

"Their trade is carried on directly with Demerara, notwithstanding that for this end they are compelled to journey much further than they would if they cared to cultivate relations with the Indians of the valley, who carry on an intercourse with our national depôts.

"As a proof that they have never come down to S. Marcos is a fact of their being so struck with astonishment when they beheld for the first time at the foot of the cordillera the horses and oxen that had been stationed there. For them the arrival of the Commission was a remarkable occurrence, for, in fact, the greater number of them had no knowledge of any other race of men beyond their own."

Of course the phrase "belonging to Brazil or Venezuela" in this extract is merely an assumption of the writers of the report.

About the same time that Mr. von Thurn's report reached Her Majesty's Government it was rumoured that the President of the Amazonas had entered the neutral territory; but no further importance need be attached to this incident, as his visit had no official character. It resulted in a complaint to the Government of Great Britain as to the presence of British agents at Pirara and of an English schoolmaster at San Marcos. The latter, of course, could have had nothing to support it; and it is difficult to understand how it could have been seriously made. II, Partie i, p. 101.

So far, in the history of the Upper Rio Branco, there had been practically no development on the side of Brazil.

Recent Collisions on the Takutu.

- However, within the last decade, there has been a gradual growth of Brazilian occupation between Fort São Joaquim and the Takutu which has tended towards collisions between the Brazilians on the one side and the British subjects settled in the zone under discussion on the other.
- II, Partie iii, p. 3, *ad fn.* In November 1892 a Brazilian priest who crossed to Dowrawow on the Rupununi to seize young Indians was warned off by De Roy, and eventually, having been deserted by his companions, was helped back to Brazilian territory by that trader.
- II, Partie i, p. 106. In October 1894 there was some interference by Brazilian soldiers with the Indians east of the Cotinga which called for the intervention of a British official. On the 11th November, 1894, De Roy again defended the territory on which he lived from the proposed attempts of Brazilians to make use of it for grazing cattle: on this occasion, as on another in the following year, the Takutu was treated as the practical frontier by both Brazilian and British settlers.
- II, Partie iii, p. 4. In May 1896 the efforts of the Brazilians to establish ranches east of the Takutu was reported to the Government of British Guiana, and in reply to the despatch conveying this information Her Majesty's Government sent orders to the Colonial Governor to have the statements investigated. There was inevitable delay in carrying out these instructions, and in
- II, Partie i, p. 107. July 1897, telegraphic information was received that the Brazilians were occupying the right bank of the Takutu. This was followed by more
- II, Partie i, p. 109. definite information, which showed that at least four Brazilian subjects had extended their operations across the Takutu into the zone now under discussion. They had evidently interfered with intended occupation in the same district by the British subject, Montagu Flint, who made the complaint.
- II, Partie i, p. 110. Mr. McTurk, the Special Commissioner of the Colony for the Essequibo district, was, on the orders of the home Government, sent up to report on the alleged encroachment. He left the Massaruni for the Brazilian frontier on the 29th November, 1897, and arrived at Quimata-landing on the 16th December. Here he held a meeting of Indians, all of whom claimed to be British subjects, and begged for protection from the Brazilians; they also complained of trespasses by
- II, Partie i, p. 111, *ad fn.* the cattle of the Brazilian ranchers. On this occasion he formally appointed a Captain of the
- Ibid.
- II, Partie i, p. 112.
- II, Partie i, p. 117.

Macusis, with a commission from the Governor. Mr. McTurk reached the Takutu on the 23rd December. Between that date and the 16th January he visited all the ranches east and north of the Takutu—i.e., within the zone now under discussion. He received from the British ranchers a written appeal, in which certain of the Brazilians purported to join, for a formal grant of lands by the British Government, and for protection against injuries to their cattle. He held, on the 7th January, a meeting of the Indians at Dadad, which was attended by some of the ranch-holders, of whom all but three were stated to be Brazilians. All of these he informed that, while residing on the east of the Takutu, they would have to obey British laws. He held the same language to the Indians as at Quimata, and warned them that they must live in amity with the ranchers and bring any complaints to the British Government. He appointed one Ambrose to be Captain and Constable at Tawar-wow. He also set up a Post at Dadad, on the east bank of the Takutu, and appointed as Postholder Mr. H. P. C. Melville, who in 1891 had settled on a ranche at Dadabouk on the right bank of the Takutu, where he found other persons, as already mentioned, living within the zone now in question under the protection, as they understood, of the British flag.

II, Partie i, p. 120.

II, Partie i, p. 115.

II, Partie i, p. 117.

Ibid

Ibid.

II, Partie iii, p. 22.

Mr. Melville almost immediately after Mr. McTurk had left his ranch, started off to visit Manáos on the Rio Negro on business, and was there subjected to interrogation by the Chief of Police. A statement was drawn up in Portuguese, purporting to give the effect of what he said, but as a matter of fact, although signed by him, it is a very inaccurate version of his remarks, as appears from his letter of the 23th April to the Government Secretary of British Guiana. It served to suggest to the Brazilian Government a complaint that the British had officially occupied the right bank of the Takutu as far as the point where it was joined by the Cotinga. A correspondence ensued between the Brazilian Minister in London and the British Foreign Office, as a result of which, with the object of averting any misunderstanding, instructions were at once given for the withdrawal of the Postholder from Dadad.

II, Partie i, p. 129.

II, Partie i, p. 127.

II, Partie i,
pp. 129, 130.

II, Partie i, p. 121.

II, Partie i, p. 122.

The instructions sent by the British Government for the withdrawal of the Postholder's

commissioned to another expedition by Mr. McTurk to the zone now in question. He left
 II, Partie i, p. 128. Rockstone, on the Essequibo, on the 10th March, 1898, arrived at Quimata on the 26th March, and left the district on the 13th April, after carrying out, as far as possible, the object of his mission. He was on this occasion informed that the Brazilians were erecting a post at the mouth of the Takutu.

For more than a year no more was heard of
 II, Partie i, p. 131. the zone in dispute. Then a telegram reached Her Majesty's Government that a Brazilian murderer had escaped into the territory and was
 II, Partie i, p. 134. at large. Her Majesty's Government in the first instance suggested to the Government of Brazil that the latter should pursue the murderer into the zone without prejudice to any question of right. But later information showed that the murder referred to had been committed within
 II, Partie i, p. 133. the zone itself. Information was also received about the same time that Brazilians were cutting wood near the Canaku Mountains; and that there had been an entry by Brazilians in the
 II, Partie i, p. 134. early part of the year to the east of the Cotinga River with a view to carrying off some of the Arekuna Indians.

The result of all this was that Mr. McTurk
 II, Partie i, p. 135. was once more sent up to the zone to arrest the murderer, and to report generally on the state of affairs there. He left the Essequibo on the 6th November, 1899, and after a very difficult journey arrived at Anna-i on the 25th November. He scoured the whole of the zone in the face of many difficulties, arrested the alleged murderer, and started home from Pirara-landing on the 2nd January, 1900. The case was subsequently investigated at Hyde Park Police Court
 II, Partie i, p. 136. in Demerara, and fell through for want of evidence.

Mr. McTurk in reporting on this visit stated that many of the rumours which had been sent down to head-quarters were exaggerated or false
 II, Partie i, p. 138, *ad med.* He, however, found a Brazilian flag flying at Waricapooroota—east of the Takutu—had it pulled down, and brought it away. He attempted the arrest of a Brazilian named Pasqual against whom a complaint had been lodged, but this man fled across the Takutu. He also hoisted the British flag at Pasqual's house and remained there the night. Mr. McTurk wound

Ibid.

up his Report with the following strong remonstrance:—

“The Brazilians are slowly but steadily taking possession of the right bank of the Takutu, and their officials visit the locality and declare it to be a part of Brazil, while I, or other officials of the Colonial Government, are held up to ridicule as nonentities—mere men of talk and no power. It must be remembered that the people my remarks apply to, even the officials, are only semi-civilized, unacquainted with the slow and guarded process of English law, and if only for the purpose of commanding respect the Government should let its authority be felt, and show some tangible proof of its intention to do so and to maintain it.” II, Partie i, p. 139, *ad fin.*

And he urged the appointment of a Postholder to maintain British authority in the district.

Her Majesty's Government, however, being then in active negotiation with Brazil as to the boundary, decided that no steps should be taken to appoint a Postholder in the zone under discussion. II, Partie i, p. 143.

At the same time Lord Salisbury asserted the necessity for visiting the disputed territory and keeping some check upon the movements of Brazilians, reminding the Brazilian Minister that the district had now for many years been regarded as part of the British Colony. Ibid.

The note which announced the views of Her Majesty's Government, ran as follows:—

“Sir, “ Foreign Office, July 31, 1900.

“I did not fail to refer to the proper Department of Her Majesty's Government your note of the 11th ultimo, in which complaint is made of recent action by Mr. McTurk on the frontier between British Guiana and Brazil. In reply, I have now the honour to state that Her Majesty's Secretary of State for the Colonies has received from the Governor of British Guiana very full reports of the action by Mr. McTurk of which complaint is made. He is satisfied that the Brazilian Government have in many respects been misinformed in the matter, and that Mr. McTurk has done nothing which can be considered as an infringement of possible Brazilian rights in those parts. II, Partie i, p. 143.

“It appears to Her Majesty's Government that the only satisfactory way of obviating misconceptions and complaints such as those now under consideration would be by the immediate and uninterrupted prosecution to final settlement of the negotiations for the delimitation of the boundary-line in those parts.

“Until that conclusion is reached, Her Majesty's Government, while adhering to their purpose of not

establishing a post within the area claimed by both parties, consider it absolutely necessary that British officials should, as heretofore, for purposes of supervision and observation, occasionally visit those regions, which for many years have been regarded as part of the British Colony. The Brazilian Government may, however, be assured that these officials will be under strict injunctions to behave with discretion, and with due regard to the position of any Brazilian officials whom they may meet.

“I have, &c.

“(Signed) SALISBURY.”

This practically brings the story of the territory up to the date of the conclusion of the negotiations which resulted in the present arbitration.

It is submitted that the history of the zone from the earliest years of the century down to the present time shows that British influence has throughout been predominant there, and that recent encroachments by the Brazilians rest upon no foundation of title.

It is proper to mention that the frontier between British Guiana and Venezuela has lately formed the subject of arbitration, and the frontier adopted by the Arbitral Tribunal as the true line as between British Guiana and Venezuela in this region was the line of the Cotinga and Takutu. The Tribunal expressly stated, however, that the Award was without prejudice to the question pending between British Guiana and Brazil.

The arguments to be drawn from the views of the Indians, who form the bulk of the population in the zone under discussion, are sufficiently important to be reserved for a separate chapter.

CHAPTER VII.

CLAIM OF THE INHABITANTS TO BE BRITISH SUBJECTS.

It has been shown in an earlier chapter that the zone now in question is at the present time inhabited by parts of four tribes of Indians—the Arcunas to the north, the Macusis over the greater part of the central area, the Wapisianas towards the south, around the Canaku range, and the Atorais in the extreme south. Of these the Macusis are the most numerous, and the Wapisianas come next in importance.

It seems pretty certain that within this zone the Macusis were always the most numerous and widely-distributed tribe, and it has been seen, that the Portuguese never obtained any influence over them. A considerable section of the Wapisianas, amongst whom at one time the Portuguese did collect a good many settlers, originally lived to the west of the Cotinga and Takutu, and migrated to the east side of those rivers in order to be under British protection, as Mr. McTurk relates :—

“The Wapisiana tribe lived originally on the west of the Takutu, and in recognized Brazilian territory, but migrated from thence across the Takutu to get away from the Brazilians, the impression among them being, as among other tribes of the interior I have come into contact with, that once across the Takutu or Cotinga they were in the country of the ‘Paranakiri’ [*i.e.*, the men from the sea—the Dutch or British].”

This migration must have been completed by the early years of the nineteenth century. At any rate when Mr. Schomburgk first went to Guiana he found the main body of the Wapisianas on and around the Canaku range. III, p. 12 *sqq.*

In the earliest reports by officers of the British Government the Macusis were always included amongst the Indians of the Colony, and it was towards the Macusis that the early missionary efforts of Mr. Armstrong and Mr. Youd were primarily directed. *Supra*, p. 75.

In October 1838, when the Macusi and Wapisiana Indians within the zone had been alarmed by the raid, of which Mr. Schomburgk gives a

full account, they denied without hesitation the right of the Brazilians to any part of that district. Mr. Youd reports the substance of their appeal to him in the following passage :—

II, Partie i, p. 11,
ad fin.

“As soon as the news was told to me, I lost no time in hastening to Pirara, and walked in one day upwards of 20 miles through various swamps and lakes, as also across the burning savannah. While on our way to Pirara we passed through a small village called Awarra, where we should have been glad to have met with a little hospitality and to have partaken of some refreshment; but no, the inhabitants we left there nine days ago (and one of them totally blind) had all fled; there was not a soul left. On coming to Pirara I found the people much agitated in mind, and the first thing they asked me was what they should do—whether they should betake themselves to the mountains, or stand by each other. I advised them by all means to remain together, and promised them that in case the expedition did come against them I would endeavour to prevent their being taken, and as it was, would surely represent their case to the Governor that they might not much longer be under the apprehension of being taken and enslaved.

“Some of the elderly people said, ‘The land did not belong to the Portuguese (or Brazilians), and therefore they had no right to trouble them’; thus considering themselves as British subjects, the which, in my opinion, they either are or may easily be made, by making the boundary-lines in the direction which I shall shortly state. From this time the Indians began to flock to Pirara from all quarters, every one loaded with provisions, bringing with them every little article or creature they possessed, looking up to me, as they certainly do, as their protector.”

Later on, when the expulsion of Mr. Youd from Pirara had thoroughly roused the Indians, they appealed with vigour to their ancient Dutch and British connexion, as reported by Mr. Youd in the following passages, one of which has already been cited in the previous Chapter:—

II, Partie i, p. 19.

“Arrangements must take place for a proper boundary-pole being laid, and thus the hearts of not less than 2,000 Indians would be set at rest that are now greatly agitated, between hope and despair and, therefore, are now looking most anxiously, that both your Excellency and the Honourable Court of Policy will (under God) speedily pronounce them to be (as they have hitherto considered themselves to be) British subjects, and that they may not be deprived of that instruction which your humble servant (by the grace of God) has begun to disseminate amongst them, nor yet fall into the hands of those whose very name they dread.”

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“On Sunday evening, the 11th February, five days after my return from Pirara, several of the principal men of the different tribes of Indians came before me, and stated in very strong language their entire disapprobation of my leaving them, especially under such unfavourable circumstances, saying they considered my going in the light of running away now that trouble had come. They declared they would never submit to Brazilian control, for they were English subjects and on English ground; that the Brazilians came with a lie in their mouth, saying the land was theirs; and as to my moving my furniture, &c., as I was about to do, they could not consent to such a thing; let the English Governor take up the land at once; look to our salem-pores, our cutlasses, our guns, powder, and shot; did we get them from the Portuguese? Never. We got them from Demerara, we want nothing from the Portuguese. We have also begun to learn, and now you want to go, because the Brazilians tell you to go; you must not, the land is not theirs, they lie; and with many like words informing me that many years ago Dutch gentlemen came up and went towards the Rivers Nava and Takutu, and declared the land to be Dutch territory in the name of Minerwa, the Caribees Chief, deceased, and other old men still living. I then said if such be your mind come and go down with me and see his Excellency, the Governor. I will request him to allow you to have an interview with him that you may plead your cause and that of your different tribes. They then exclaimed at once, that is the very thing we want, let preparations soon be made. ‘Te Ka King nera-mai wotung sata,’ we will go and see the Governor. A few days after the above, the Wapeshana Chief, ‘Yawa-imdapa,’ accompanied by some of his people, and others of the Attorie and Taruma Indian tribes came, when the Chief addressed me in equally strong language but with tears in his eyes, declaring that I should not leave them, “the land was Dutch or English, they had ever understood so, and the Portuguese lied in saying it was theirs.” This Chief and part of his people will also come with me to see your Excellency, to make request for protection. He says the Brazilians have already kidnapped one of his sisters, on which account he hates their very name, and dreads to think of being in any part of their territory.”

Her Majesty’s Government at this time seems to have overlooked the facts of history reviewed in this Case and to have inclined towards the view that the Indians were hitherto independent, and in announcing the appointment of Mr. Schomburgk as Boundary Commissioner they instructed the Governor of British Guiana to resist “any encroachment upon Pirara or upon the territories near the frontier which have been hitherto occupied by independent Indian tribes.”

The same language was adopted by the British Minister at Rio de Janeiro in the Memorandum addressed to the Brazilian Minister for Foreign Affairs on the 20th February, 1841.

- II, Partie i, p. 27. "The Portuguese Government never extended its actual possession east of Fort San Joaquim on the Rio Branco, in opposition to the claims of the Spaniards to the south and of the Dutch to the east, the latter of whom were in possession of the territory watered by tributaries of the Essequibo; the intermediate parts to the Rio Branco, being then, as now, inhabited by Macusis, Atorais, Wapishanas, Tarumas, and Woyawais, who were always considered as independent tribes, and these tribes have claimed British protection."

- II, Partie i, p. 72. But whether the Indians be regarded as at that time already under British suzerainty, or as claiming British protection for the first time after the alarm at Pirara, matters little. It is abundantly clear that they desired to come under British rule. Schomburgk, in his first letter on the question of boundary, vividly puts this feeling in the following words:—

- III, p. 90, *ad fin.* "If the Indians who inhabit these regions are to be rendered useful subjects, the uncertainty of our boundary claims the particular attention of Her Britannic Majesty's Government. They have frequently inquired from me where they might settle in order to come under British protection, but from the existing uncertainty I have not been able to return them a decisive answer. Terrified by the threats of the Brazilians, and their commands not to attend to the instructions of the missionary, they wander among haunts, as are only known to themselves and the wild beasts of the forest, and the work of civilization, which began with such fine prospects, has been unfortunately checked. It is to be hoped that a better day may yet dawn to the miserable and much-neglected Indians who once were the sole possessors of the soil."

The view which these Indians took of the effect of Mr. Schomburgk's survey is also very suggestive; it is forcibly illustrated in the following passage from one of Schomburgk's Reports:—

- III, p. 99, *prope fin.* "We reached at noon a Wapisiana settlement, Tenette, situated near the Cursato Mountains, where we found that the party who had proceeded overland had arrived three days before us. It was in the vicinity of this settlement that the Brazilians committed the atrocity in August 1838, and surprised some Indian settlements, and carried the inhabitants, forty in

number, consisting of men, women, and children, into slavery.

* * * *

“In order to insure the inhabitants of Tenette in some regard against a repetition of a surprisal by the Brazilians, this village being within the boundary claimed by Her Majesty, I marked a tree on the right bank of the Takutu as a token that this part was claimed by Her Most Gracious Majesty as a part of British Guiana, and that consequently the inhabitants, according to the expression of Lord Palmerston in his letter to Lord John Russell on this subject, would enjoy the protection of Her Majesty’s Government.”

It is very probable that Mr. Schomburgk, in suggesting the line of the Cotinga and Takutu as the proper boundary of British Guiana, was in some measure influenced by Indian tradition. At any rate the existence of a very decided opinion among the Indians that this was the real boundary is shown by the statements in the declarations annexed to this Case. While many of these cannot well be pressed back further than Schomburgk’s time, there is some very clear evidence as to migrations of individuals into the zone, as being in their opinion British territory, long prior to the arrival of the great explorer.

In the declaration of the Wapisiana Charley, the following words occur :—

“My people [Wapisiana] have run away from the west of the Takutu to this side [right bank] to get away from the Caraiwa [Brazilian] into the Puranakiri [British] country, where we considered ourselves safe. My father told me this. I have never been visited by the Caraiwa. I am Puranakiri-puitol [a British subject].” II, Partie iii, p. 5.

These words appear to refer to a migration anterior to the time of Charley’s father, who, from the data given in the declaration, was evidently settled between the Takutu and Rupununi Rivers as early as 1835.

Similarly the affidavit of Caldos, taken at Arrawarrab between the Takutu and Rupununi River, states :—

“My name is Caldos : I was called so by the Kariwas [Brazilians], whom I sometimes work with. I am a Wapisana Indian, and about 40 years of age. I was born at this place, my mother was an Atoroi belonging to this village, but my father was a Wapisana from the west. I know nothing of my own knowledge about who this country belongs to, but my mother’s people always II, Partie iii, p. 17.

called it Paranakari [British] country. Long ago some black men, Kariwa slaves, came here and married among the Atoroi women; they told my old people that they had run away, but that they were safe from pursuit on this side of the Tacutu, as it was Paranakari country."

The phrase "long ago" in the above extract evidently refers to some period anterior to the declarant's own recollection. It is more clearly illustrated by the affidavit of the Wapisiana John, taken at Peelawow, east of the Takutu, which in terms refers to a migration which he knew to be anterior to Schomburgek's time:—

II, Partie iii, p. 15. "My name is John. I am a Wapisana Indian. I came here from Maruwi, on the 'Uraricoera,' in Brazil. My father and all my family came at the same time. I was a young man not yet fully grown at the time. It was after we came here that Schomburgek walked this side. One of his men, called Surin, stopped with us after Schomburgek went away. On several occasions I went with him to the old Mission at Warrapouta to buy things. Before coming here my father had got permission from Keebeer-tir, the Ataroi Captain, to live on this side. We were told that this was Paranakari [British] country. Many Wapisanas had come over before us and had intermarried with the Atarois. The Kariwas [Brazilians] never troubled us after we came on this side."

Equally definite is the statement of John Brown:—

II, Partie iii, p. 18. "My name is John Brown. I am a Wapisana Indian, and about 40 years of age. I was born at a village on the Outuwow, a western branch of the Tacutu, but came here with my parents a long time ago. No Kariwas [Brazilians] ever come this way, and I have always understood that this side of the Tacutu was Paranakari [British] country. The old people of my tribe have always said so. A long time ago the Kariwas [Brazilians] used to ill-treat the people living to the westward, and many of them, including my parents, came on this side of the Tacutu to get away from them."

II, Partie iii, p. 20. And that of the Wapisiana James, of Oumerebba, between the Tacutu and Rupununi Rivers, is still more circumstantial:—

"My name is James. I was called so by Mr. Bracey. I am a Wapisana Indian, and about 65 years old. I was born at this place, as was my father before me, but my grandfather came from the westward. I was a boy when Schomburgek and his people walked this way. I have always known this side of the Tacutu to be

called Paranakari [British] country, and my father told me it was called so long before his time, as his father had come here to get away from the Kariwa [Brazilian] country. When I was a young man, there were no Kariwas nearer than 'Macowak Bowk' [Fort San Joachim]."

Out of the many declarations which might still be cited, the following is selected as more exactly illustrating the point of an early migration :—

"My name is Innis. I was called so by Mr. Bracey. II, Partie iii, p. 19. I was born at this place [a village on the Eelemere Creek between the Tacutu and Rupununi Rivers], and am about 60 years of age. I am a Wapisana, but my father was a Sapara Indian, and came from west of the Cotinga, which is Sapara country. He told me that his people were being badly treated by the Kariwas [Brazilians], so he came among the Atorois who are 'Paranakari Petole' [British subjects] to get away from them. I know nothing of the Kariwas myself. I have never been to their country. I have always traded with the English who come up the Rupununi, and I sometimes go to Georgetown with other Indians to buy such things as we need."

The above citations are sufficient evidence that before Schomburgk ever set out to explore British Guiana, the line of the Cotinga and Takutu was a practical boundary, to the east of which the Brazilians did not interfere with the native tribes.

The history of the past fifty years has served to confirm the Indians in the belief that within the line of the Cotinga and Takutu they are in British territory; they hardly ever have seen Brazilians, their trade relations have always been with British subjects; and their intercourse has been mainly with the capital of British Guiana; their chieftains have held symbols of office from the British Government. The declarations which are now laid before the Arbitrator show that the line above mentioned has become a well-marked political boundary, which it is almost impossible at the present date to set aside.

A few of the most striking examples of this conviction of the Indians may be cited at length.

Ambrose, a Wapisiana Chief, declares as follows :—

"My name is Ambrose. I was born at Capote, on one of the tributaries of the Takutu, on its right bank. II, Partie iii, p. 6.

My father and grandfather lived there before me. I am about 45 years of age. I am living at 'Elip-woa,' on the right bank of the Takutu. I am the Chief of my tribe. I am a Wapisiana. My father and my grandmother had always warned me to keep on the right bank of the Takutu, because the other side was Caraiwa [Brazilian] country. My grandfather went across, and was kept there by the Caraiwa, and when Schomburgk came he got him and brought him back. All my own tribe and the Atorai Indians, except those living on the Rio Branco, consider the Takutu as the dividing-line between the Caraiwa and Puranakiri [British]. I never heard until quite recently—three years ago—that the Caraiwa claimed any part of the country east of the Takutu; one of them, who came and lived near me, told me so. I told him 'No.'"

One of the fullest and most interesting of the declarations is that of the Macusi Chief, William George, which runs as follows:—

II, Partie iii, p. 9. My name is William George. I am a Macusi Indian and Chief of my tribe. I succeeded John William, who was Chief of the tribe before me. I was born at Galinamata, between the Takutu and the Rupununi. I now live at Upicari, on the left bank of the Rupununi. Myself and those of my tribe who live east of the Takutu are living in Puranakiri [British] country. I never heard it called anything else. West of the Takutu is the Caraiwa [Brazilian] country. We are Puranakiri-puitolebē [British subjects]; those on the other side, west of the Takutu, are Caraiwa-puitolebē [Brazilian subjects]. We do not acknowledge the authority of, and have nothing to do with, the Caraiwa. All down to the Cotinga my people are Puranakiri-puitolebē.

"I have been called upon on several occasions by the Caraiwa, who have lately settled on the Takutu, to settle disputes about cattle-shooting between them and my people, and they have acknowledged my authority and declared themselves as satisfied. There was a Macusi Indian named Candido who had a captain's paper from the Caraiwa; he came from west of the Takutu, and lived near the Manari; we never acknowledged his authority, and he has gone away. We get what we want from traders who come up the Essequibo from Bartica and Georgetown. My people are badly treated by the Caraiwa; it is their custom to coax an Indian to come and work for them on promise of payment, and when the time draws near for payment, to ill-treat and beat them, and make them run away. Two or three months ago there were four Macusis thus treated, who came across to Manari, on the east of the Takutu, where they knew the Caraiwa could not follow them. We are Puranakiri-puitolebē [British subjects], and wish to remain so."

Again, John Bull, a Macusi Indian, makes the following declaration :—

“My name is John Bull. I am a Macusi Indian. I live at Upicari, on the Rupununi River. I was born at Carinacru, between the Takutu and the Rupununi Rivers. I am about 60 years of age. My father and grandfather lived at Carinacru before me. I have never travelled about much myself; but my parents and all the old people have always told that to sun side [east] of the Takutu and Cotinga was Puranakiri [British] country, and the side the sun goes [west] Caraiwa [Brazilian] country. There are several Macusis who live on the other side of the Takutu; they are Caraiwa-puitolebē [Brazilian subjects]. They call themselves so, and we, too, call them by that name; but we on the east are Puranakiri-puitolebē [British subjects], and when the Caraiwa come and want us to go and work, we refuse, and tell them we are Puranakiri-puitolebē, and not Caraiwa-puitolebē.”

The declaration of McKenzie, another Macusi, is to the same effect :—

“My name is McKenzie. I am a Macusi Indian. I live at Teu-ka-ipeng, in the Te-pēhreking [Pacaraima] Mountains, on the west of the Rupununi River. I am about 60 years of age. I was a boy when the soldiers came and drove the Caraiwa [Brazilians] from the head of the Pirara. The Caraiwa country is beyond the Cotinga and Takutu, west of them. I am Puranakiri-puitolebē [British subject]. I have had no dealings with the Caraiwa. I am no Caraiwa.”

That of the Macusi, London, is to the following effect :—

“I am a Macusi Indian. My name is London. I was born at Powituta, to the north of this village [Yaprata, between the Ireng and Cotinga Rivers], in the Pacaraima Mountains, and came to live here about twenty years ago. I am now about 60 years of age. I knew nothing of the ‘Kariwas’ [Brazilians] until about three years ago; since then a few of them come at times to this place, looking for strayed cattle or buying farine or cassava bread; they don’t molest me; they are only ‘vaqueros,’ and not soldiers or policemen. I have heard of soldiers going up the Parima to catch people, but they have never come on this side of the Cotinga, which is Paranakari country. I have always called myself a ‘Paranakari Petolebe’ [British subject], as my father did, and hope to remain so.”

One more, from another Macusi named Adam, may close the list of citations :—

“I am a Macusi Indian, and my name is Adam. I

II, Partie iii, p. 13.

am about 50 years of age. I was born at Suco, a village in the Pacaraima Mountains, on a tributary of the Cotinga. I came to this place [Muripang, between the Ireng and Cotinga] about twenty years ago, and have resided here ever since. When I first came to live here there were no Kariwas [Brazilians] on this side of the Cotinga; it is quite lately, about nine years, that I have seen cattle grazing in this district. Since then the Kariwas frequently come to buy farine and cassava bread from me. I have never seen any soldiers; they don't come this side. I trade sometimes with the Kariwas, and sometimes with other Macusis, who trade with the Paranakaris on the Rupununi. I have always heard the old people saying that east of the Cotinga is Paranakari [British] country, and I tell the 'vaqueros' when they come here that I am a Paranakari Petolebe [British subject], and that they must deal fairly with me, and not take away my children by force, or I will tell the Paranakaris. They have never molested me in any way."

The other declarations all point in the same direction. For a period much longer than the life of the Indians who now inhabit the savannah the line of the Cotinga and Takutu has been recognized by the native tribes as a well-defined boundary, marking off the tribes under British protection from those owning Brazilian allegiance. These natives consider everything to the east of Cotinga and Takutu to belong to the Paranakiri, *i.e.*, to be British, and they recognize the country west of these rivers as the country of the Cariwa or Caraiwa, *i.e.*, the Brazilians. They all call themselves *Paranakiri-puitolebe*, which is the same as British subjects, and their relatives across the Takutu and Cotinga, though of the same blood, are *Cariwa-puitolebe*.

The antiquity of the appellation Paranakiri is shown by the curious fact mentioned in the declaration of the old Macusi, Sarah, which runs as follows:—

II, Partie iii, p. 11. "Sarah being duly sworn, solemnly and sincerely declares:—

"I am a Macusi Indian, and my name is Sarah. I was born at 'Pukasimamputipo' on the Iring River, and resided there for many years. I am now about 70 years of age. I have never at any time heard any one speaking of these parts as being Kariwa [Brazilian] country, or seen any Kariwas. The men have always got their powder and shot and the women their beads and cloth from the 'Paranakari' [British]. Even as a child I have always heard the parrots taught to say, 'The Paranakari are coming with beads and cloth!' as

they are taught to this day by my grandchildren. I wish to remain what I have always been, a 'Paranakari Petolebe' [British subject].

It is submitted that the Indian tribes are entitled to be heard in this matter. Their utterances are the natural embodiment of a sentiment of old growth, and the expression of a desire which has been strengthened by recent experience. When Mr. McTurk met the Indians at Quimata in 1898, they unanimously claimed to be "Queen's people," and the British Commissioner reports that they were most indignant at the idea that they should be considered other than British subjects; that they dread the Brazilians and their rule; and that instances which had come within his personal knowledge of the cruel way in which they had been treated by Brazilians, in his opinion fully justified their dread. II, Partie i, p. 117.
II, Partie iii, p. 2, *ad med.*

Nor can this strong feeling be met by giving the Indians the option of removing from their present locations into other territory. The close attachment, at any rate of the Macusis, to the zone now in question is shown by Schomburgk in the following passage:—

"Although the Indians' dread of the Brazilians knows no bounds, they are still so attached to the region of their birth and to the territories which they know from tradition to have been held in possession by their ancestors for ages, that every attempt to induce them to settle on our coast regions would for the present prove abortive. From the knowledge that I have acquired of the Indian, I am firmly persuaded that, by sending missionaries among them who will study their character and their ways of living, that they may ultimately become so far civilized as to become good labourers and useful subjects." III, p. 91.

It is accordingly urged that as the Indians who have, for the past century at any rate, inhabited the zone now in dispute evince so strong a predilection for British rule, there is no just alternative but to draw the boundary of the British Colony along the line of the Cotinga and Takutu.

CHAPTER VIII.

DIPLOMATIC NEGOTIATIONS.

II, Partie ii. The story of the dispute between Great Britain and Brazil would not be complete without reference to the diplomatic correspondence which has taken place between the Governments of the two countries.

II, Partie ii, pp. 3-8. It is unnecessary to notice the exchange of notes which took place between the British Chargé d'Affaires and Senhor Coutinho in December 1841, and January 1842, except to record that the Brazilian Minister, in a lengthy discussion of the claim of Brazil, while he asserted long possession by Brazil of the zone now in question—a possession which, in fact, was never enjoyed—appears to have relied to a great extent on the Treaties of 1750 and 1777 between Portugal and Spain, which can have no bearing upon the dispute between Great Britain and Brazil.

II, Partie ii, p. 10. Actual negotiations were opened in London on the 16th October, 1843, by the Brazilian Minister-Plenipotentiary, Senhor J. de Araujo Ribeiro, who, like Senhor Coutinho, based the rights of Brazil on the Treaties between Portugal and Spain, and observed that on the supposition that England took the place of Spain as regards the territory in dispute he had been instructed to invite the British Government to recognize the principle of delimitation laid down by these

II, Partie ii, p. 11. Treaties. He submitted a scheme for a Treaty which proposed that the line of boundary should begin “to the westward on the mountain of Pacaraima, where the territory belonging to Her Britannic Majesty commences,” and should continue to the eastward along the extent of that mountain to the head of the Mahu, and then to the Rupununi, near Anna-i, south up this river, “and thereafter take its direction as far as the 2nd degree of north latitude,” and so along that parallel to the east. This line, so far as it can be accurately indicated, is shown as AA on the Map No. 3 in the Atlas attached to this Case.

Atlas No. 3.

Some days later Senhor Ribeiro proposed an

additional Article giving the Macusis of Pirara II, Partie ii, p. 12.
the right to remove within the territory which was indicated as British in the draft Treaty which he had submitted.

To these proposals Lord Aberdeen replied very ^{Ibid.} briefly, that "although Her Majesty's Government would be prepared to adopt at once the modification of the line of boundary proposed by M. de Ribeiro by substituting the Rivers Mahu and Takutu for the Rupununi, they will be under the necessity of consulting the Lieutenant-Governor of British Guiana respecting the circumstances of the Indians in the immediate neighbourhood of Pirara and the present state of that Settlement before they can pronounce any opinion with regard to the Article proposed by M. de Ribeiro." The line BB on the Map ^{Atlas No 3.} already referred to is intended to represent the suggestion of Lord Aberdeen.

The language of Lord Aberdeen's despatch is somewhat vague, but it is clear that the line provisionally suggested by him was that formed by the Rivers Mahu and Takutu, and that there is no ground for urging, as the Brazilian Government have at times urged, that Lord Aberdeen accepted Senhor Ribeiro's proposal. His Lordship did so only subject to the very serious modifications plainly indicated by a reference to the map.

However, here the matter dropped, as the ^{II, Partie ii, p. 13.} Brazilian Minister almost immediately afterwards broke off all negotiations. His action is explained in his note of the 13th December, 1843. ^{Ibid.}

Although in 1854, and again in 1875, there ^{II, Partie ii, pp. 14, 15.} were reports that the Brazilian Government contemplated reopening the question, it slept till October 1888, when, as the result of certain ^{II, Partie ii, p. 15.} incidents in and near the zone which have already been noticed, the Baron Penedo, Minister for Brazil in London, proposed to the Marquis of Salisbury that with a view to arriving at a Treaty for a definitive boundary, a Mixed Commission, appointed by the two Governments, should survey the territory in dispute. The gist of the proposal is contained in the following passage from Baron Penedo's Memorandum :—

"La Commission Mixte, constituée par les deux ^{II, Partie ii, p. 16,} Commissions ci-dessus mentionnées, reconnaîtra le ^{ad fin.} Rupununi depuis le point où il se rapproche le plus du Mont Anay, le Tacutu depuis l'embouchure du Mahu, et celui-ci depuis ce dernier point; et elle poussera ses reconnaissances jusqu'aux sources de ces cours d'eau,

ou le plus loin possible. La même Commission reconnaîtra autant que possible le territoire compris au nord entre la source du Mahu et le Rupununi, et au sud entre les sources du Tacutu et le Rupununi. Le territoire borné par ces rivières devra aussi être exploré, mais seulement autant qu'il sera nécessaire pour en connaître l'aspect général, la direction des principaux cours d'eau, et des monts, et des chaînes de montagnes qui le traversent."

II, Partie ii, p. 17. Lord Salisbury replied that he shared the opinion of the Imperial Brazilian Government that an arrangement on the boundary question should be concluded, but that it was desirable to settle various other outstanding questions at the same time.

Some discussion as to these questions took place between the British Minister at Rio de Janeiro and the Brazilian Minister for Foreign Affairs in the early part of 1889; no further reply on the boundary question was given by the

II, Partie ii, p. 18. Government of Great Britain till September 1891, when Senhor Corrêa, who had now become the Minister for Brazil in Great Britain, was told that it was considered best, in the first instance, to come to an agreement as to the general outline of the boundary as a preliminary to the appointment of a Joint Commission.

Ibid. Almost immediately afterwards, on the 12th September, 1891, Senhor Corrêa was informally told by Sir Thomas Sanderson that the British Government might consider a line along the Mahu (Ireng) and Takutu Rivers, instead of the Cotinga and Takutu of the Schomburgk line. This suggestion may be looked upon as the commencement of the recent negotiations on the subject. The line indicated by Sir T. Sanderson is indicated by the letters CC on the Map.

Atlas No. 3.

In December 1891 it was agreed that the discussion should be continued at Rio and certain more or less formal consultations took place, but

II, Partie ii, p. 19. without result. Political changes in Brazil intervened. It was not for four years more

II, Partie ii, p. 20. that in November 1895, the question was again raised by Senhor Corrêa, who was then informed by Lord Salisbury that the basis on which Her Majesty's Government was prepared to treat was that communicated to him in September 1891 (*i.e.*, the line CC).

Ibid. In March 1897, Senhor Corrêa submitted to Lord Salisbury the draft of a proposed Treaty and a Memorandum on the whole subject. He

asserted the right of Brazil to the line described in Senhor Ribeiro's project of 1843, but, as a compromise, offered to accept the line of the watershed ("la ligne naturelle du *divortium aquarum*"). He suggested that within a year from the signing of the Treaty a Joint Commission should commence to demarcate the line agreed upon.

The actual words of the article of the proposed Treaty which embodied these suggestions are as follows :—

"Depuis la source du Corentyne à l'est, où finit la II, Partie ii, p. 21
Guyane Hollandaise, jusqu'au point de rencontre avec les États-Unis du Venezuela, la frontière entre les États-Unis du Brésil et la Guyane Britannique sera constituée par la ligne de partage des eaux.

"En conséquence, depuis la source du Corentyne, la frontière suivra la ligne de faite de la chaîne de Tumucumaque, ou Tumuc-Kumac, aussi appelée, dans sa partie occidentale, chaîne d'Acaray, jusqu'au point où, sur le versant nord, se trouve la source de l'Essequibo; elle continuera ensuite par les Monts Essary, ou Ussari; et de là, dans la direction générale du nord elle ira vers la chaîne de Pacaraima, toujours par la ligne de partage des eaux, laissant à l'ouest la Rivière Tacutú et tous ses affluents de rive droite, y compris le Mahú, ou Ireng, qui appartiennent au Brésil, et à l'est le Rupunany, ou Rupunini, qui, avec tous ses affluents, appartient à Sa Majesté Britannique; et sur la chaîne de Pacaraima la frontière continuera jusqu'au point où commencera le territoire du Venezuela, en suivant la ligne qui sépare les eaux qui vont au Rio Branco de celles qui se dirigent vers l'Essequibo."

If the line indicated in this article be followed on the Map, where it is marked DD, it will Atlas No. 3.
be seen that, whilst from the source of the Corentyne to that of the Essequibo and on towards the source of the Rupununi it presents, on the whole, a well-marked line of demarcation, which has now in fact been accepted by both parties, it passes from the last-named point northward to Roraima over such country that it would for the greater part of the distance constitute the most unsatisfactory boundary that can be conceived, owing to the absence of any well-defined line of hills to mark the watershed.

It is material to observe that Senhor Corrêa's statement of the claims of Brazil was rested on a view of the history of the Portuguese on the Rio Branco, which has been shown in the previous chapters of this Case to be absolutely unfounded. It is not proposed in the present

chapter to go through these errors again in detail; but His Majesty the Arbitrator is very respectfully requested to compare with the statements contained in Senhor Corrêa's Memorandum the real facts as they are narrated in Chapter IV of this Case.

The Marquess of Salisbury, writing in a most friendly tone, rejected the Brazilian draft on grounds which should be quoted in full:—

II, Partie ii, p. 25½ “Her Majesty's Government are confident on their part that they could show that the whole region south of the Rupununi River was originally explored by the Dutch, and that at least as early as the year 1725, and thenceforward, until the Colony was taken over by Great Britain, they controlled the trade and the native tribes throughout that district; that, moreover, one of the earliest acts of the British Government was to confirm their jurisdiction over this particular part of the Colony by the special Mission to which reference is made in your Memorandum, and that neither the members of that Mission nor any British officials recognized any right of Brazil further north than San Joaquim.

“With regard to the line between the Mahu-Takutu and the Rupununi, as given in Article I of the draft Treaty which you have communicated to me, the Governor of British Guiana has pointed out in a recent Report that the watershed is for the most part so slightly marked that it cannot in any way be said to form the best natural boundary, and that in this respect the frontier unofficially proposed on behalf of Her Majesty's Government in 1891 is far more satisfactory, viz., a line following the Mahu and Takutu up to the source of the latter river.

“Whatever may be the advantages of a watershed boundary in settled countries and in cases where the watershed is clearly defined, it is important that in such a district as that now in question, and among ignorant tribes, the division between the respective territories of the two Powers should be marked, if possible, by a natural and conspicuous boundary, which would be easily understood.

“Such a boundary can only be afforded by high mountain ranges, or, in the absence of these, by the courses of well-known rivers, and it seems certain that in the present instance fewer difficulties would ensue, not only in defining the line, but also in future questions of dominion and settlement which might arise after the demarcation, if the waterways were utilized for the purpose wherever possible.

“The authorities in the Colony have, moreover, represented that, considering the ancient claims of Holland to the savannahs stretching southward to Pirara, and the general confidence of Her Majesty's subjects in British Guiana that their rights in that area

will always be respected, they are not prepared to concur in the alienation of the whole of those savannahs, which are required for the operations of cattle-breeders and for the contingent benefit of the colonists in general."

Lord Salisbury concluded his note by reverting to the proposal that the controversy should be settled by accepting as the boundary the Mahu and Takutu, as at CC on the Map.

Atlas No. 3.

On the 20th December, 1897, Senhor Corrêa, II, Partie ii, p. 26, in a note which repeated many of the erroneous statements to which allusion has already been made, definitely declined the Mahu-Takutu line. He maintained that Brazil was at the least entitled to the watershed, and urged that, if the watershed line was considered practically inconvenient, the only natural divergence from it was along the Rupununi. He made one extraordinary mistake in this note in saying that Lord Aberdeen and Lord Stanley in 1843 had been ready to accept the Rupununi line proposed by Senhor Ribeiro.

On the 24th May, 1898, Lord Salisbury replied II, Partie ii, p. 28. to Senhor Corrêa's note. While admitting the theoretic value of a watershed line, his Lordship dwelt on the practical difficulty of maintaining such a line in a country like that under consideration; he recalled the fact that historically Dutch and British occupation had extended westward of the watershed line; but in the hope of securing, if possible, a friendly settlement, and as a further and final concession, he offered to accept a line running from the source of the Cotinga down that river to its tributary the Waikueh, up that stream to its source and across by the hills to the source of the Virua, down the Virua River to its junction with the Takutu, and then by the Pirara Portage and the Rupununi. This line maintained the principle of a river boundary, but, with that end, proposed to sacrifice to Brazil a portion of the country lying in the Essequibo basin. It is marked EE on the Map.

Atlas No. 3.

Lord Salisbury added that, if Brazil would not take this Waikueh-Virua line, the only course to which Her Britannic Majesty's Government would consent would be arbitration. This note was accompanied by a Memorandum criticising II, Partie ii, p. 29. in some detail a *mémoire* by the Baron Rio Branco, which had been semi-officially communicated to the British Government.

Senhor Corrêa, on the 30th November, 1898, II, Partie ii p

made a fresh counter-proposal. He recalled the fact that he had already put forward the watershed line, and that the objection made was the practical inconvenience of such a line, and he proposed, as a last effort, that the river nearest to the watershed should be substituted for the line of watershed—that is, that the line should run by the Mahu and Rupununi, as at FF on the Map.

Atlas No. 3.

II, Partie ii, p. 33,
ad init.

Lord Salisbury, however, replied that the proposal offered no prospect of a solution such as could be accepted by Great Britain. He reverted, therefore, to the proposal of arbitration.

Ibid.

On the 17th January, 1899, the Brazilian Minister notified to Her late Majesty's Government the acceptance by Brazil of the principle of arbitration; he added to his note a short Memorandum further discussing the points raised in the Memorandum of the Baron Rio Branco. As these are covered by the contentions embodied in previous chapters of the case, it is unnecessary to take any further notice of them here.

The discussions which followed were largely concerned with the form of arbitration; but one point arose which requires notice as bearing upon the claims of the two parties: it led up to an important proposal by the British Government, viz., that the zone to be submitted to an Arbitrator should be definitely limited by agreement. The matter is set out in the following extract from Lord Salisbury's note of the 13th January, 1900:—

II, Partie ii,
pp. 38, 39.

“In support of the wording of the 1st Article of the draft which you were good enough to submit, you observe that it leaves Her Majesty's Government free to press the Schomburgk line as the maximum of the claims which they have been able to put forward up to the present time. But with reference to this observation, I would point out that the Schomburgk line is not the extreme claim of Her Majesty's Government, but a good natural boundary suggested as a reasonable compromise by the late Sir Robert Schomburgk when he surveyed the country.

“Although Her Majesty's Government in the negotiations on this question have confined themselves to the attempt to obtain a recognition of some such reasonable line as the proper boundary, the extreme claim which Her Majesty's Government contend that they are entitled to make extends up to the Rio Branco, as recorded in the instructions sent to Her Majesty's Representative at Rio in 1892, for his guidance in the negotiations then contemplated.

"This claim is, in their opinion, in every way as well-founded as the claim of Brazil to any districts extending up to or beyond the banks of the Essequibo. Her Majesty's Government, therefore, cannot accept such a wording of the Article as may in effect leave the area to be referred to arbitration wholly unrestricted on the side of Brazil, while the claim of Her Majesty's Government is presumed by the Government of the Republic to be definitely limited.

"Her Majesty's Government are, however, sensible that these far-reaching claims, going back to remote times and depending on evidence which is often fragmentary and always difficult of examination, are not calculated to lead to a satisfactory and practical conclusion, and I would accordingly propose an agreement limiting definitely the zone which should be the subject of submission to the Arbitrator.

"The zone which, in the opinion of Her Majesty's Government, would be a fair one to adopt with this object would be that lying between the Schomburgk line on the west and a line drawn from the source of the Cotinga eastward along the watershed, as it appears on the maps, as far as Mount Annai, thence by the nearest tributary to the Rupununi, and up that river to its source, from this point coming back to the Schomburgk line again."

The claim which Her late Majesty's Government on this occasion set out as their extreme claim is that which is indicated by the line GG on the Map. It is the line which the Dutch Atlas No. 3. might fairly have claimed as marking the limit of their sphere of influence at the time of the foundation of São Joaquim in 1776. It will be remembered that there is a substantial body of evidence in favour of such an extended boundary of the Dutch Colony, whereas it is shown in the previous chapters that there never was any incursion of the Portuguese into any part of the Essequibo basin. The words, therefore, in which Lord Salisbury upheld this claim in January 1900 were words of studied moderation.

In a note of the 21st July, 1900, the Chargé II, Partie ii, p. 39. d'Affaires of Brazil expressed great surprise at this extreme claim of Great Britain; it is evident that the Brazilian Government were not cognizant of the facts of history which have been set forth in this Case.

Negotiations were interrupted pending the appointment of a successor to Senhor Corrêa, but in April 1901, after certain informal proposals II, Partie ii, p. 40. had passed, the British Government again took up the consideration of the Treaty of Arbitration in a detailed reply to M. de Lima's note of the

21st July, 1900, already referred to. Lord Lansdowne's despatch on this occasion, in treating of the proposed limitation of area, clearly defines the respective positions of the two Governments in the negotiations which had taken place.

e ii, p. 40. "M. de Lima took exception to the particular limitation, which had been proposed by Her Majesty's Government, on the ground that it included a larger tract in the basin of the Amazon than in that of the Essequibo, and that while it comprised all that Great Britain has, according to the contention of Brazil, ever claimed to the west, it did not include all to which Brazil has laid claim to the east.

"With regard to the former of these objections, I would observe that a comparison of areas is not in point; the question is not, as the argument of the Brazilian Government would seem to assume, how to adjust on a basis of equality of area the divergent claims on either side of the watershed, but how far either claimant can produce evidence strong enough to exclude the claim of the other, to the whole or any part of the area in dispute. With regard to the second objection, I would point out that the proposed zone does not, as alleged, extend westward to the extreme limit which His Majesty's Government believe Great Britain has a right to claim, but only to that which they have claimed as the most expedient boundary.

* * * *

"It is important at this point to remove the misunderstanding which appears to exist on the part of the Brazilian Government as to the extreme claim of His Majesty's Government. The misapprehension is due to the different way in which the two Governments have approached the discussion of the question.

"The Brazilian Government have on their part throughout the controversy kept in evidence their claim to the furthest limits of supposed Portuguese wanderings, whereas His Majesty's Government have made little reference to their full claim, which extends to the banks of the River Branco; they have been content to restrict their claim to territory over which they believe the Dutch to have established their influence, and as long ago as 1843 they defined this lesser claim by the Schomburgk line, leaving their actual 'extreme claim' in abeyance."

II, Partie ii, p. 41. On the 22nd May, 1901, Senhor Nabuco, on behalf of the Government of Brazil, accepted the limitation of the zone to be submitted to arbitration, as proposed by the British Government, and on the 8th July the British Government accepted certain objections on other points made by Brazil. The way was now clear for the settlement of the Treaty, which was ultimately signed
II, Partie ii, p. 44. on the 6th November, 1901.

CHAPTER IX.

DISCUSSION OF THE "WATERSHED DOCTRINE."

It will be seen from the diplomatic correspondence in the Appendix, which has just been reviewed, that the Brazilian Government have latterly argued that they were in any case as a matter of right entitled to a boundary coincident with the watershed between the tributaries of the Essequibo and the tributaries of the Amazon. The suggestion which underlies all their proposals to the British Government on the subject is that by their mere possession of a part of the Rio Negro they also acquired an inherent right to its tributaries and to every stream which flows towards any of those tributaries. II, Partie ii.

This claim makes it necessary to examine how far there exists in international law any recognition of such a doctrine as that which the Brazilian Government seek to put forward.

The contention which may conveniently, if not quite accurately, be termed the "doctrine of watershed" had no place at all in the earlier treatises on international law. Europe had been partitioned without much reference to river basins long before international law became a science.

The contention was never advanced till it was put forward by the United States of America in disputes between them and various European Powers which held colonies in North America.

It was for the first time asserted in the Louisiana controversy by Messrs. Pinckney and Monroe in a note of 20th April, 1805, in the following terms:—

"The principles which are applicable to the case, State Papers, V, are such as are dictated by reason, and have been p. 327. adopted in practice by European Powers in the discoveries and acquisitions which they have respectively made in the New World. They are few, simple, and intelligible, and at the same time founded in strict justice. The first of these is, that when any European nation takes possession of any extent of sea-coast, that possession is understood as extending into the interior

country, to the sources of the rivers emptying within that coast, to all their branches, and the country they cover, and to give it a right in exclusion of all other nations to the same."

It will be found on looking at the context of this passage that the doctrine was on this occasion asserted as a limitation upon a supposed larger and wider claim to any part of the continent which could be considered as forming the back country of any stretch of coast reduced into possession: it was an effort to confine such vague claims to territory falling within some well-defined river basin.

The next clear assertion of the doctrine under discussion was again by the United States on 12th August, 1824, in the Oregon case, in the following terms; and on this occasion it was put forward, in support of a special claim, as a principle which was absolutely true:—

State Papers
XIII, p. 506.

"I asserted that, a nation discovering a country, by entering the mouth of its principal river at the sea-coast, must necessarily be allowed to claim and hold as great an extent of the interior country as was described by the course of such principal river and its tributary streams, and that the claim to this extent became doubly strong, where, as in the present instance, the same river had also been discovered and explored from its very mountain springs to the sea."

And the same contention was enforced in the later phases of the same case in the following words:—

Ibid. XXXIV,
p. 99.

"If the discovery of the mouth of a river, followed up within a reasonable time by the first exploration, both of its main channel and of its branches, and appropriated by the first settlements on its banks, do not constitute a title to the territory drained by its waters in the nation performing these acts, then the principles consecrated by the practice of civilized nations ever since the discovery of the New World must have lost their force."

These two statements were not only the origin of the doctrine under consideration, but they still remain the only cases in which it has been put forward in such an absolute form.

In the Louisiana case the doctrine was not seriously discussed: the arguments between the United States and Spain really turned on questions of actual occupation, and a compromise was eventually effected under which previous

Spanish occupation formed a distinct element in the settlement.

In the Oregon case Great Britain firmly opposed the contention of the United States. The American Minister in Great Britain described the attitude of the British Government in the following words :—

“ It is proper now, as on the question of the St. Lawrence, that I should give you faithful information of the manner in which the British Plenipotentiaries received my proposal, and the principles under which I had introduced it. I may set out by saying, in a word, that they totally declined the one and totally denied the other. Nor could Great Britain at all admit, the Plenipotentiaries said, the claim of the United States, as founded on their own first discovery. It had been objectionable with her in the negotiation of 1818, and had not been admitted since. Her surrender to the United States of the Post at Columbia River, after the late war, was in fulfilment of the provisions of the 1st Article of the Treaty of Ghent, without affecting questions of right on either side. Britain did not admit the validity of the discovery by Captain Gray. He had only been on an enterprise of his own as an individual, and the British Government was yet to be informed under what principles or usage among the nations of Europe his having first entered or discovered the mouth of the River Columbia, admitting this to have been the fact, was to carry after it such a portion of the interior country as was alleged. Great Britain entered her dissent to such a claim, and, least of all did she admit that the circumstance of a merchant-vessel of the United States having penetrated the coast of that continent at Columbia River was to be taken to extend a claim in favour of the United States along the same coast, both above and below that river, over latitudes that had been previously discovered and explored by Great Britain herself, in expeditions fitted out under the authority and with the resources of the nation. This had been done by Captain Cook, to speak of no others, whose voyage was at least prior to that of Captain Gray. On the coast, only a few degrees south of the Columbia, Britain had made purchases of territory from the natives before the United States were an independent Power; and upon that river itself, or upon rivers that flowed into it, west of the Rocky Mountains, her subjects had formed settlements coeval with, if not prior to, the settlement by American citizens at its mouth.”

State Papers,
XIII, p. 508

In the result the view of Great Britain prevailed. A compromise was reached on the basis of actual occupation on each side.

It was Sir Robert Phillimore who first, in 1854, discussed these two cases as part of an

important chapter in international law; and, following him, several leading writers on international law in the latter half of the last century have discussed the doctrines raised by these cases in connection with the effect of occupation by a sovereign Power.

Phillimore,
"Commentaries
upon Inter-
national Law,"
1st edition,
Vol. I, § 236,
p. 251.

Phillimore, after citing the statements made on each side in the Oregon case, commented as follows:—

"If the circumstances had been these, viz., that an actual settlement had been grafted upon a discovery made by an authorized public officer of a nation at the mouth of a river, the law would not have been unreasonably applied.

"There appears to be no variance in the opinions of writers upon international law as to this point. They all agree that the right of occupation incident to a settlement, such as has been described, extends over all territory actually and *bonâ fide* occupied; over all that is essential to the real use of the settlers, although the use be only inchoate and not fully developed; over all, in fact, that is necessary for the integrity and security of the possession, such necessity being measured by the principle already applied to the parts of the sea adjacent to the coasts, namely, '*ibi finitur imperium ubi finitur armorum vis*.' The application of the principle to a territorial boundary is, of course, dependent in each case upon details of topography."

Twiss, "Law
of Nations,"
1st edition,
Cap. VII, p. 174.

Again in 1861 Twiss, in his work on the "Law of Nations," after referring at length to the Oregon case continues in the following words:—

"It is obvious that a claim to all the lands watered by a river and its tributaries, founded on the discovery and occupation of the mouth of the river, must conflict with a claim to all the inland territory as far as the line of watershed, founded in the discovery and occupation of an extent of sea-coast, about which latter position of Law there is no dispute amongst Nations. Such a claim is, in the second place, inconsistent with the position of Law, that the occupation *de facto* of one bank of a river and the river itself by one Nation, does not establish a Right of Possession over the opposite bank so as to exclude another Nation from settling upon it if it should be vacant *de facto*. The doctrine of the United States' Commissioners, against which Great Britain considered it equally due to herself and to other Powers to enter her protest, may therefore be regarded as extravagant, since it derives no countenance from the Law of Nature, which regards rivers as appurtenant to land, and not land as adherent to rivers, and it cannot be admitted without derogating from established rules of Public Law acknowledged by all Nations."

In 1867 Bluntschli stated the following proposition as part of his code :—

“Lorsque les colonies commencent par prendre possession des rivages de la mer, on admet que cette prise de possession comprend toute la partie de la terre ferme qui, par sa situation et spécialement par les fleuves qui la traversent, est reliée à la côte de manière à former avec celle-ci un ensemble naturel.”

Bluntschli,
“Le Droit International codifié,”
1st ed., Paris,
1870, § 282, p. 166.
[N.B.—Authorized French edition of “Das Moderne Völkerrecht,” where the equivalent passage occurs at p. 167.]

and then comments as follows :—

“Le principe ci-dessus a été formulé par les États-Unis dans leurs tractations avec l’Espagne, au sujet du territoire de la Louisiane. (Voir Phillimore 1,237.) Les Colonies Européennes se sont, en général, fondées sur un point quelconque du rivage de la mer; ce point devint le centre de toute la Colonie, qui partit de là pour s’étendre vers l’intérieur. Vouloir restreindre davantage la portée d’une prise de possession serait manquer de sens pratique, parce que la civilisation et le développement politique sont forcés de commencer quelque part pour pouvoir pénétrer plus loin, et parce que les habitants du bassin des fleuves sont forcés, pour entrer en rapport avec les autres nations, de passer par la Colonie située à l’embouchure du fleuve. Plus les distances sont considérables et plus le bassin du fleuve est étendu, moins il y aura de relations entre la côte et l’intérieur, ce qui diminuera la prépondérance des côtes sur l’intérieur du pays. Le principe posé plus haut n’a, du reste, qu’une valeur relative; lorsque des fleuves immenses, le Mississipi, par exemple, traversent un continent tout entier, celui qui en possède l’embouchure ne peut naturellement pas s’adjuger tout le bassin du fleuve. Dans l’antiquité, nous constatons souvent l’inverse: un État se fonde près des sources d’un fleuve et s’étend peu à peu jusqu’à l’embouchure. C’est des sources du Gange et de l’Indus que les Ariens sont partis pour conquérir tout le bassin de ces fleuves jusqu’à la mer. C’est au bord du Rhin supérieur que les Germains s’établirent avant d’occuper les Pays-Bas. L’Empire Austro-Hongrois, État Danubien par excellence, n’est pas en possession des portes de Souline. La prétention de certains publicistes et hommes d’État Anglais de s’arroger la souveraineté de l’Amérique du Nord, parce que l’Angleterre en possédait les côtes, était un acte de haute fantaisie; aussi les Puissances qui avaient des Colonies en Amérique n’ont jamais reconnu ce droit à l’Angleterre.”

Hall in 1880 was the first who actually used the term “watershed” in connection with the doctrines under discussion. As, in the later editions of his work, he made an important addition to his statement on the subject, it will be best to quote his final pronouncement in the

Hall,
“International Law,” 1st ed.,
p. 91.

order in which it properly comes, *i.e.*, under the year 1895. But, in passing, it may be observed that, though he stated that it might be regarded as a settled usage that the interior limit should not extend further than the crest of the watershed, he did not produce any precedents or rulings in support of his statement.

Bello,
"Principios de
Derecho Inter-
nacional," Cap.
II, § v, p. 88.

In 1883 a statement on the subject was published under the name of Bello. It will be found, as a matter of fact, that the words were not Bello's, but an addition by the editor of the Madrid reprint of Bello's work, C. Martinez Silva. Silva, following Phillimore, referred briefly to the Oregon and Louisiana cases as illustrating principles by no means yet settled:—

"The United States of America, in their negotiations with England respecting the boundaries of Oregon, laid down that the discovering nation, by the act of entering through the mouth of the principal river of the country discovered, had the right to regard as its own all the interior tract traversed by the said river, and by all those which fall into it. But Great Britain vigorously rejected this principle alleging that mere discovery did not confer such right. In the negotiations between Spain and the United States of America respecting the western boundary of Louisiana, it was alleged on the part of the latter that when an European nation takes possession of any tract of coast it is understood that the possession embraces all the interior up to the sources of the rivers which have their outlet thereon, together with their tributaries and all the country they traverse: that nature seems to have destined the territory thus described to one and the same society, and to have knit together its different portions by the links of a common interest, separating them from other territories, and that in the opposite case the rights of the discoverer and possessor of a new country would be reduced to the small tract occupied by his troops or settlers; a doctrine which has been entirely rejected by all the Powers that have made discoveries and acquired possessions in America. After all, it cannot be said that upon this matter there are fixed rules sanctioned by general consent."

Holtzendorff
(F. von), "Hand-
buch des Völker-
rechts," Bd. 2,
pp. 262, 263.

Holtzendorff in 1887 has the following statement on the subject:—

"Another branch of controversy in colonial law deals with the *geographical limitation of lawfully occupied territories* in its relation to other Powers.⁵ Boundless in this particular, too, were the original claims of the Spanish and Portuguese, who demanded whole continents for themselves on the ground of the right of first discovery; and just as untenable in law was the theory

which the Americans attempted to set up in the Oregon question, according to which occupation of the territory around the mouth of a river was to comprise the appropriation of all the land lying up-stream.⁶ On the other hand, it must, however, also be borne in mind that the land to be occupied need not be limited to the range of the batteries on the banks, for it is not necessary to the exercise of jurisdiction that a standing force or officials be present at all times at every menaced spot of a certain territory, or be able to act immediately. And it must likewise be recognized that colonial acquisitions do not need to be inclosed, as it were, by the erection of artificial boundary marks. The question how far the territory 'occupied' for purposes of colonization extends, either along a coast or into the interior of the land under consideration, from the spot whereof actual possession was first taken, is in the first place a question of fact depending upon the topographical condition of the land to be occupied.⁷ Upon small islands which can be encompassed by sea in the period of a few hours or days, it is reasonable that the existence of one station of jurisdiction be regarded as sufficient. In the case of large islands, the interior of which is unknown and devoid of accessible paths of communication, the establishment at single places of three States could not be recognized as a ground for the exclusion of other occupants. Likewise it would not be permissible to say that the widely-dispersed islands of an archipelago were to be regarded as belonging to one of their group already lawfully occupied. If, therefore, several occupants in ignorance of each other simultaneously take possession of different points on a coast which in itself forms a geographical whole, there can be no doubt as to their equal rights. The limits of jurisdiction must then be found by division into equal parts. The ruling principle is therefore expressed in the following idea:—*No State can by an act of occupation seize more territory than it is capable of continually governing in times of peace, with its effective means of authority on the spot.*

"Apart from the difficulty of making this general principle applicable to every single case, there exists, moreover, everywhere a disinclination to bind State interests of a colonial nature with the fetters of legal definition. This explains the fact that in addition to the right of occupation properly so-called there was maintained in the practice of politics a tacit reservation on the part of the occupants to render the adjacent territories secure from subsequent appropriation by other Powers, and to retain for themselves a preferential right to the later and gradual extension of the occupation.⁸ Politically, every colonizing State seeks to prevent as long as possible the proximity of other European States in territories beyond the sea."

(⁵) Phillimore defines the doctrine relating to this as a "doctrine of contiguity." Impracticable, too, is the rule laid down by Bluntschli: "If occupation commence from

the coast it is assumed that the interior lying behind the latter is in so far comprised in the occupation, as it is formed by Nature with the coast into one natural whole, especially by the rivers flowing into the sea."

(6) The principal treatise upon this complicated controversy is that by Twiss, "The Oregon Question examined." (See Johnston in the "Encycl. Americana," II, s. v. North-west Boundary.)

(7) Phillimore: "It is impossible to do more than lay down a broad general rule, aided in some degree by the practice of nations, to be applied to each case as it may arise, and modified in some degree by any particular circumstance which may belong to it."

(8) It is upon this view that are based attempts to limit by Treaty colonial spheres of power in such a way as mutually to bind the Contracting Parties either (as in the case of the Samoa Islands) not to occupy or not to outstep definitely drawn lines. In recent times there comes into this category the Agreement between Germany and England for the limitation of their spheres of power in the Western Pacific made the 6th April, 1886.

Westlake,
"Chapters on the
Principles of
International
Law," p. 170.

Westlake in 1894, in his chapter on territorial sovereignty, dealing with the "geographical extent of international titles in uncivilized regions," suggests, by inference rather than direct statement, the inaccuracy of too hard and fast a view of the theory. The following is the passage:—

"More scientifically precise than indefinite back country or manifest destiny is the 'claim to all the inland territory as far as the line of watershed, founded on the discovery and occupation of an extent of sea-coast, about which position of law' Sir Travers Twiss writes, 'there is no dispute amongst nations.' A claim falling within these terms may be made in two different cases. We may suppose that two nations establish settlements at the mouths of two rivers which are next to one another on the same coast, and it may then be claimed that their land boundary should follow the watershed of those rivers, notwithstanding that this would give to one of them a tract of land forming the back country to the settlement of the other. Or we may suppose that the claim is made by a nation ascending a river from its mouth, not as against nations desiring to occupy on its right or left hand, but as against discoverers descending the river, after having reached from the other side its innermost watershed, to which the ascending nation claims to extend by virtue of its occupation of the mouth. In the latter form this was another of the arguments used by the United States on the Oregon question, when they founded on the proceedings of Captain Gray and Mr. Astor at the mouth of the Columbia as against those of British adventurers on the head waters of that river. And since Sir Travers Twiss repels the argu-

ment so used, it may be inferred that his own statement of the doctrine of watershed was meant to apply only to the case first mentioned. If that doctrine were adopted in its fullest extent it would lead to the conclusion that France, while she held Canada and Louisiana, was entitled to all the basins of the St. Lawrence and the Mississippi, except such portions of the former as were comprised within the settled area of the English Colonies, and such portions of the latter as were well understood to belong to Mexico. But during the negotiations with England in 1761, France repudiated any such claim and proposed that the Indians between Canada and Louisiana, as also between Virginia and Louisiana, should be considered as neutral nations, independent of the sovereignty of the two crowns, and serve as a barrier between them."

In 1895 Hall made his latest statement on the subject in the following terms:—

"There is no difference of opinion as to the general rule under which the area affected by an act of occupation should be determined. A settlement is entitled, not only to the lands actually inhabited or brought under its immediate control, but to all those which may be needed for its security, and to the territory which may fairly be considered to be attendant upon them. When an island of moderate size is in question it is not difficult to see that this rule involves the attribution of property over the whole to a state taking possession of any one part. But its application to continents or large islands is less readily made. Settlements are usually first established upon the coast, and behind them stretch long spaces of unoccupied country, from access to which other nations may be cut off by the appropriation of the shore lands, and which, with reference to a population creeping inwards from the sea, must be looked upon as more or less attendant upon the coast.

Hall's "International Law," 4th ed., 1895, p. 110.

"What then in this case is involved in the occupation of a given portion of shore? It may be regarded as a settled usage that the interior limit shall not extend further than the crest of the watershed; but the lateral frontiers are less certain. It has been generally admitted that occupation of the coast carries with it a right to the whole territory drained by the rivers which empty their waters within its line; but the admission of this right is perhaps accompanied by the tacit reservation that the extent of coast must bear some reasonable proportion to the territory which is claimed in virtue of its possession. It has been maintained, but it can hardly be conceded, that the whole of a large river basin is so attendant upon the land in the immediate neighbourhood of its outlet that property in it is acquired by merely building a fort or settlement at the mouth of the river without also holding lands to any distance on either side. Again, it is not considered that

occupation of one bank of a river necessarily confers a right to the opposite bank, still less to extensive territory beyond it, so that if a State appropriates up to a river and stops there, its presence will not debar other States from occupying that portion of the basin which lies on the further side; nor even though there is a presumption against them will they be debarred as of course from occupying the opposite shore. When two States have settlements on the same coast, and the extent along it of their respective territories is uncertain, it seems to be agreed that a proper line of demarcation is midway between the last posts on either side, irrespective of the natural features of the country.

“ Restrictive custom goes no further than this, but, in the circumstances of the present day, it is plain that custom is not needed to uphold a further limitation in the right of appropriating territory as attendant upon a settlement. During the older days of colonial occupation, in countries where questions of boundary arose, waterways were not merely the most convenient, they were the necessary, means of penetrating into the interior. It was reasonable, therefore, that the power which could deny access to them should, as a general rule, have preferential rights over the lands which they traversed. But in Africa, which is the only portion of the earth’s surface where this part of the law of occupation still finds room to assert itself, large tracts of country can be more easily reached over land, especially by means of railways, than along the river courses, and the great river basins are so arranged that a final division of the continent could hardly be made in accordance with their boundaries. When the last edition of this work was passing through the press in the end of 1889, it already seemed safe to point out as a certainty ‘ that the tide of commerce, carrying with it trading posts, belonging here to one nation and there to another, and probably even a tide of European settlement, will have swept over vast spaces of the interior by roads independent of States holding the nearest coasts or mouths of river basins, long before these States have been able to extend their jurisdiction over the territory thus brought under European influence or control. There is no probability that the interests of trade and colonization will be subordinated to a pedantic adherence to the letter of the ancient rule.’ ‘The forecast of 1889 is the accomplished fact of 1894. Many of the recent appropriations have been carried out in the anticipated manner; and if the little which remains to be seized is divided in conformity with the outlines of river basins, it will rather be because those basins happen to lend themselves to effective occupation by a given Power than from respect to a principle of law.”

of interior country is a matter that depends on the circumstances of each case. His statement on the subject is as follows :—

“L’occupation accomplie, jusqu’où s’étend-elle ? Quelle est la région géographique acquise, lorsqu’un État a pris possession de points déterminés, par exemple des côtes d’un pays ou des bouches d’un fleuve ?

“Selon le droit privé Romain, lorsque l’acquéreur veut prendre possession de l’immeuble dont tradition lui est faite, il n’est point nécessaire qu’il prenne possession de chaque partie du fonds ; il lui suffit, dit le jurisconsulte, d’entrer dans une partie quelconque, pourvu que ce soit avec la conscience et l’intention de posséder l’immeuble dans son étendue entière, jusqu’aux limites.* Ceci suppose une tradition ; la question de savoir si l’on doit l’appliquer à l’occupation d’un immeuble sans maître est discutable. Mais si même on admet l’affirmative, il faut reconnaître que le principe du droit civil suppose un immeuble délimité, déterminé exactement dans son unité et individualité, et qu’il ne saurait être applicable, en droit des gens, à l’occupation de territoires immenses, non encore entièrement explorés, où cette condition d’unité et de délimitation matérielle fait totalement défaut.

“Le principe juste, c’est que, l’occupation devant être effective, on ne peut tenir pour acquises que les seules régions qui sont soumises réellement au pouvoir tel qu’il vient d’être caractérisé de l’État occupant.

“Contrairement à ce principe, diverses Puissances ont émis, et émettent encore, au gré de leur intérêt, des prétentions arbitraires. On a soutenu que l’occupation de l’embouchure d’un fleuve donne la souveraineté sur tout le pays d’amont. Le Portugal en Asie, l’Espagne et l’Angleterre en Amérique ont déduit de la possession des côtes celle de continents entiers. On a fait résulter l’occupation d’une île de celle d’un point quelconque du rivage. Tout ceci doit être rejeté. La question sera toujours de savoir jusqu’où s’étend la domination réelle et matérielle. Il est possible que la domination de l’embouchure rende effectivement maître du pays d’amont, mais ce n’est nullement constant ni certain. Il est possible aussi que la possession des sources d’un cours d’eau donne celle du pays d’aval. Cela dépendra de la configuration du pays, de sa topographie, de son hydrographie, de son orographie.

“Reste toujours, d’ailleurs, la nécessité des actes manifestant *l’animus domini*.”

* Paul, L. 3, § 1, De A. vel A.P., 41, 2 Ci-dessus, p. 192.

Accordingly the one thing that can be confidently averred after a study of the text-books is that the doctrine of extension to the crest of the watershed has met only with partial acceptance in international law. It is indis-

solubly bound up with the doctrine of actual occupation; the question in each case being, what is the extent of territory to be regarded as having been occupied? A claim up to the watershed has no validity at all as against a prior occupation of a portion of a river basin by another Power.

It has been seen already that in the Oregon case the compromise in which it ended was mainly based on the actual occupation within the basin of the Columbia River alleged by Great Britain. The principle may now be illustrated by a reference to more recent cases.

In 1889 a dispute arose between Great Britain and Portugal respecting the territory surrounding the upper waters of the Zambezi, which had been occupied by Great Britain. It was beyond dispute that Portugal had for a long time been in occupation of the lower reaches of that river and the territory surrounding its mouth. But it was never seriously contended by Portugal that the mere possession of the mouth and lower waters of the Zambezi conferred upon her a title to the enormous extent of territory watered by that river. She was driven to support her claim to the territory surrounding the upper waters by alleging ancient occupation of the Shiré highlands. The Government of Great Britain successfully supported their contention that such ancient claims could not prevail against later occupation. The result of the controversy was to establish the effect of actual occupancy by Great Britain within a basin of which a substantial part had originally been occupied by Portugal.

In the correspondence which took place with the French Government in 1898 respecting the Valley of the Upper Nile, the British Government resolutely and successfully maintained the right of the Egyptian Government to the whole of the Nile basin, as against the claim of the French Government to have effected a lodgment in the basin by the act of Captain Marchand, who coming from the west had penetrated beyond the watershed. But they did not suggest that the right was based merely on the possession of the main waterway of the Nile: in fact, the doctrine of watershed discussed in this chapter did not come up in the arguments between the French and British Governments. The French Government admitted prior occupa-

tion, but alleged abandonment. The ground upon which the British Government maintained the right of Egypt was that of prior and effective occupation, combined with reconquest from the Dervishes. The arguments are well summarized in Lord Salisbury's despatch of the 6th October, 1898:—

“The French Ambassador called upon me yesterday at the Foreign Office. This interview was a long one, lasting nearly two hours. The greater part of it was occupied by observations on his part upon the question of Fashoda, which he introduced himself. This argument principally dwelt upon the fact that the country bordering the White Nile, though it was formerly under the Government of Egypt, had become *res nullius* by its abandonment on the part of the Egyptian Government; that the French had a right to a position on the Nile as much as the Germans or the Belgians; and that the French Government, by the reserves which they had uniformly made when the subject was mentioned, had retained for themselves the right to occupy the banks of the Nile when they thought fit.

Parl. Paper,
C. 9055 of 1898,
p. 1.

“In reply to his Excellency's observations I repeated the arguments on the British side of the case, which are already familiar. I pointed out to him that the Egyptian title to the banks of the Nile had certainly been rendered dormant by the military successes of the Mahdi; but that the amount of right, whatever it was, which by those events had been alienated from Egypt, had been entirely transferred to the conqueror. How much title remained to Egypt, and how much was transferred to the Mahdi and the Khalifa, was, of course, a question which could practically be only settled, as it was settled, on the field of battle. But their controversy did not authorize a third party to claim the disputed land as derelict. There is no ground in international law for asserting that the dispute of title between them, which had been inclined one day by military superiority in one direction, and a few years later had been inclined in the other, could give any authority or title to another Power to come in and seize the disputed region as vacant or relinquished territory. To the last the power of the Dervishes was extended as far south as Bor, and their effective occupation did not cease till their title passed by the victory of Omdurman without diminution into the hands of the conquering armies. I pointed out to him that such an occupation as that of M. Marchand, with an escort of 100 troops, could give no title to the occupying force, and that, in point of fact, but for the arrival of the British flotilla, M. Marchand's escort would have been destroyed by the Dervishes. M. Marchand's was a secret expedition into a territory already owned and occupied, and concerning which France had received repeated warnings that a seizure of land

in that locality could not be accepted by Great Britain."

Entirely consistent with the view already indicated is the attitude taken up by Her late Majesty's Government in the case of the recent arbitration with the Republic of Venezuela in regard to the western boundary of British Guiana.

The Dutch in their formal statements of right as against the encroachments of Spain on the west of the Cuyuni, claimed the whole basin of Essequibo as the result of immemorial possession. The British Government in their diplomatic discussion with Venezuela reasserted their *prima facie* right as the successors in title to the Dutch to the whole basin of the Essequibo and its tributaries. But by their proposals for settlement prior to the arbitration, and still more clearly in the arguments laid before the Arbitrator, they admitted that the occupation effected by Spanish Missions within the basin of the Cuyuni—a tributary of the Essequibo—made it impossible for either Dutch or British to maintain their title to the basin up to the "crest of the watershed." The language held by them is as follows:—

Venezuelan
Boundary,
British Case, p. 6.

"Recognizing, however, the fact of the establishment of Spanish Missions during the 18th century on territory south of the Orinoco, in the neighbourhood of the River Yurnari, which Missions continued to exist up to the year 1817, the Government of Great Britain has never actively sought to press its claim to that portion of the district north-west of the Cuyuni, in which missions were actually situated."

Ibid, p. 161.

"It is not disputed that the Dutch and the British have for centuries been in full possession of a very considerable territory on both sides of the Essequibo below the point where it is joined by the Massaruni. It is submitted that, according to every principle of international law, this carries with it the right to the whole basin of the Essequibo and its tributaries, except in so far as any portion of that basin may have been occupied by another Power.

"The Power in control of so large an extent of territory round the lower course of a river such as the Essequibo, to which no other Power has ever had any access, and where no dominion other than that exercised by the Dutch and the British has ever existed, has a *prima facie* right to the whole of the river basin. Such right can only be rebutted by proof of actual occupation by another Power. There is not even a pretence of

such occupation by Spain or Venezuela' except as regards the territory in the neighbourhood of the Yuruari."

"In order to displace the title of Great Britain to the drainage areas of all the rivers between the right bank of the Amakuru and Essequibo and their tributaries, Venezuela must show effective occupation; and it is only to the extent to which such effective occupation can be shown that the title of Great Britain can be defeated."

Venezuelan
Boundary,
British Argu-
ment, p 55.

And the award in the Paris arbitration distinctly recognised the force of the occupation effected first by Spanish Missions and later by Venezuelan subjects. Adopting generally in their award the line claimed by Great Britain, the Arbitrators assigned the upper part of the Cuyuni and its tributaries to Venezuela, setting aside any claim which Great Britain might have made to the whole river-basin, clearly on the ground that the territory adjoining the upper waters of the Cuyuni had in part been occupied by Spain. This may fairly be inferred from the arguments delivered on behalf of Venezuela before the Tribunal.

At the most, therefore, any question of extension "to the crest of the watershed" is an element to be considered in determining the extent of an effective occupation. It cannot be placed higher than that.

Accordingly, in all cases of claims to a river-basin the principal matter to be considered is the facts of occupation.

In the Case now before the King of Italy the facts of occupation are unquestionably with the Dutch, and their successors the British.

One of the most important matters for inquiry in regard to occupation on the upper waters of a river-basin is this: how far is access to those upper waters obtained from the country beyond the watershed, and how far, on the other hand, does the river itself afford the means of communication with the outer world?

In regard to the zone now in dispute, it has been shown in the previous chapters of this Case that access has always been obtained from the side of the Essequibo. The whole trade of the district from the earliest times has been down the Rupununi and Essequibo with the Dutch, and not down the Rio Branco with the Portuguese. The Dutch discovered the district and used it for trade

purposes continuously for more than 100 years before even its existence was known to the Portuguese. And after the Portuguese had mounted the Rio Branco to its neighbourhood, the whole of its commercial relations were still with the Dutch, by way of the Rupununi and Essequibo. It is doubtful whether, even on their expeditions after Indians, the Portuguese ever came within the zone.

It was not necessary to their effective occupation that the Dutch should establish a post within the zone. Control by the Postholder of the nearest convenient Dutch station was sufficient for the trade of the district, and must be recognized as sufficient evidence of the intention to occupy permanently.

It is accordingly submitted, on behalf of Great Britain, that no claim by Brazil to go to the crest of the watershed between the tributaries of the Essequibo and those of the Amazon can prevail against such a sufficient occupation of part of the Amazon basin by the Dutch.

Having regard to the very great extent of territory watered by the Rio Negro and its tributaries, it is impossible that any effective claim to the whole of that territory can be based on the occupation by Portugal of the lower portion of that river.

And neither actually nor constructively have either Portugal or Brazil ever been in possession of any part of the territory now in dispute.

It is not open to the Brazilian Government to allege that, by advancing their frontier post to Fort São Joaquim in 1776, they acquired any rights over the zone in question.

That advance must be considered, with reference to all its attendant circumstances, merely as itself an act of occupation and intent to occupy up to the immediate neighbourhood of the fort. It was not directed against the Dutch, though the history of the Rio Branco, as set forth in preceding chapters, shows that the Dutch might fairly have resented it as an intrusion into their sphere of influence, and might have either obtained its withdrawal by diplomatic remonstrance or crushed it in its infancy. The absence of any such remonstrance or action on the part of the Dutch Government is tantamount to an abandonment of such rights as they had acquired to the south and west of Fort São Joaquim. But that is all. The establishment of this frontier post,

admittedly on or close to what was expected to be the frontier of the province of Rio Negro, could have no effect on Dutch occupation in the zone now in question. As a matter of fact, Dutch occupation was, for several years after the foundation of the fort on the Rio Branco, conducted on even more active and definite lines than before.

Brazil cannot, in fact, appeal to her occupation at Fort São Joaquim, which is outside the zone under discussion, as displacing that of the Dutch within the zone.

Even if it were alleged that the Portuguese or Brazilians did intend to control the zone from Fort São Joaquim, the answer of international law would be that, where there has been occupation of any area by a first comer, and an attempt at occupation by a second comer, the later occupation can only displace the earlier in so far as it is effective, and acquiesced in by the first comer or his successors in title.

If, at the beginning of the 19th century, when the Dutch hold on the zone now in question was temporarily relaxed, owing to the political troubles of the Colony and its change of hands, the Portuguese aspired to extend their frontier into or close up to the zone, they never carried such aspirations into effect.

Their successors, the Brazilians, did, in 1839, attempt to take advantage of some such pretensions; but their attempt to do so was not successful, and when they made some show of doing at Pirara what the Portuguese had in 1776 done at São Joaquim, the British Government forcibly ejected them, and occupied the district with a military force.

But apart from the question of occupation the true aspect of a watershed boundary must not be overlooked. Such a boundary may be of value as a natural boundary because, in many cases, a watershed is one of the most marked features in a country.

The dictum of G. F. de Martens in discussing the extent of occupation well illustrates this position:—

“Les limites externes de son territoire sont ou naturelles (tel que la mer, les rivières, les eaux, les montagnes, les forêts) ou artificielles (tel que des barrières des bornes, des poteaux, &c.). Les montagnes mêmes, les forêts, les bruyères, &c., qui séparent le territoire de deux nations, sont censées appartenir à de Martens, “Précis de Droit des Gens,” §. 38.

chacune des deux jusqu'à la ligne qui en forme le milieu, à moins qu'on ne soit convenu de régler différemment les limites ou de les neutraliser."

Directly a watershed becomes ill-defined it loses its value as a boundary, and it is desirable to seek something which is more definite and easily to be recognised, especially in a country where native tribes are deeply interested in knowing accurately what their limit is. In this case, a river is a far better boundary than a watershed, from the point of view both of natural features and of international law.

Apart, however, from all facts of geography or principles of law, the Government of Brazil has no ground for claiming extension up to the watershed in the case now at bar. There is only one instance in the whole basin of the Amazon where Brazil has obtained the headwaters of any of the great tributaries of the Amazon; it holds the whole of the Tapajos. The Trombetas can hardly be reckoned one of the great tributaries in comparison with such streams as the Rio Negro, and it is, in any case, comparatively near the mouth of the main river. The upper waters both of the main stream of the Amazon and of all its large tributaries, besides those mentioned, are held by other Powers. The Madeira is in part held by Bolivia, the Yucayali and others by Peru, the Iça, Japura, and Uapes by Colombia, the Rio Negro itself partly by Colombia, partly by Venezuela. Throughout the basin of the Amazon, occupation on the upper waters prevented the Portuguese from acquiring the whole stream and its tributaries.

Further, in the case before the Arbitrator the claim made by Great Britain for a boundary along the Cotinga and the Takutu satisfies every requirement which can be demanded. It is not only the boundary pointed out by the facts of Dutch and British occupation; it is also a perfect natural boundary which does not in the least interfere with the water-rights of the neighbouring Power on its own rivers. It is the boundary which nature has pointed out in that district, and as such it may be taken as having been a distinct element in circumscribing the eventual area of Dutch occupation.

And it is submitted that regard for the welfare of the native population furnishes an important

argument for determining the boundary as claimed by Great Britain. A well marked natural boundary such as the line of the Cotinga and Takutu is essential, if constant friction and collisions between the Indian tribes and Brazil is to be avoided. To adopt the watershed line proposed by Brazil would be to sow the seeds of an interminable series of differences and disputes.

CHAPTER X.

MAPS.

(i.) GENERAL OBSERVATIONS.

In questions as to the boundaries of territory claimed by conterminous nations the maps of the territory which have from time to time been prepared, whether published or unpublished, may be referred to in illustration of the questions at issue from two different points of view.

They may be cited as showing the contemporary ideas of the geography of the particular district and the existence or non-existence of towns, villages, or posts; or they may be considered in respect of the boundaries shown upon them.

In neither case can a map taken by itself be regarded as an authoritative document; in cartography, perhaps more than in most documentary evidence, it is necessary to study and verify the whole history of a document before it can be admitted to have any authority at all. This statement holds good, though in a less degree, in respect of geographical details as well as lines of boundaries. Boundary lines are the more liable to error because geographers have in very many instances been without adequate information on which to base their conclusions.

The manner in which map-makers so often mechanically copy one another introduces further difficulty into the consideration of cartographical evidence; and the want of system in selecting the maps to be copied adds yet more; atlases often contain different maps of the same territory with very different presentations of it, more particularly as regards the lines of boundary exhibited. This is specially true of atlases prepared about the end of the eighteenth and beginning of the nineteenth century.

In the previous chapters occasional reference has been made to one or two maps in support of a particular point of the history of this Case; and it will now be desirable to review briefly the history of the cartography of South America so

far as it concerns the territory in dispute between Great Britain and Brazil, in such a way as to eliminate from the consideration of the Arbitrator all maps except those which can be shown to possess some intrinsic claim to authority.

It is proposed to consider the maps, first as regards their physical features, secondly with reference to the boundaries which they show.

(a.) *As to Physical Features.*

It is hardly necessary to discuss the delineation of the Amazon as it appears in the maps of the 16th century. It was based on the narratives of the discovery of the river by Orellana, and is purely fanciful. It will be sufficient to observe that on the maps of South America, which were issued between 1560 and 1600, a wonderful Amazon and Rio Negro, bearing only a remote resemblance to facts, formed the prominent feature in the northern part of the map; but that the publication of Hondius' Map of Guiana in 1599, based on Raleigh's narrative, turned the attention of geographers to a new set of ideas, centreing in the imaginary Lake of Parima; after which, for almost a century, with only occasional variations, the Amazon of the older maps was compressed into a smaller area, and Guiana, with the Lake Parima, became the leading feature in the northern part of the map.

The first map of the Amazon, which has any claim to be considered in itself a historical document, is the map drawn by the Pilot who accompanied Teixeira in his expedition of 1639 from Pará to Quito and back. But it is too sketchy to deserve more than passing notice.

False geography runs through the work of such men as Sanson and Delisle. Nicolas Sanson's Map of South America, which was published in 1650, was, particularly as regards the Rio Negro, on the whole better than the work of his successor, Delisle, who reverted to more fanciful ideas. Most of the maps of this period convey grotesque travesties of the fact that by some stream from the Rio Negro there is intercommunication by water between the Amazon and the Grinoco: as a rule, the Rio Negro appears on these maps as a short broad stream joining the two larger rivers. But in none is there ever a mention of the Rio Branco; for except to the

Dutch traders, the river was quite unknown, as has already been shown in a previous chapter.

The first map of the Amazon which can be considered as of any importance in this case is the Map of Padre Fritz, made in 1691, and published on a small scale at Quito in 1707. It is, so far as the main stream of the Amazon goes, a definite contribution to geographical knowledge, and may be cited with confidence to prove what was known by Fritz and others up to 1691, and what additions were made to that knowledge between 1691 and 1707. It indicates that at that time, so far as geographers were concerned, knowledge of the Rio Negro was quite elementary, and that the existence of the Rio Branco was still unknown.

It was not till 1745 that any further material for the cartography of this region was obtained by geographers. In that year the famous la Condamine made his journey down the Amazon at the close of the scientific mission with which he had been charged by the French Academy. He procured on this journey information which revolutionized the cartography of this part of South America. This information was mainly obtained from Nicolas Horstman, formerly servant of the Dutch West India Company, who gave him his original sketch map of his route from Essequibo, and furnished, by means of that map and his written statement, an absolutely correct account of the general course of the Essequibo and Rupununi, and the connection of the latter, through Lake Amucu, with the streams which flow to the Rio Branco and so to the Amazon.

All this information was handed by la Condamine to D'Anville, who embodied it both in the map of the "Course of the Amazon" which he prepared for la Condamine's "*Relation Abrégée d'un Voyage fait dans l'Intérieur de l'Amérique Méridionale*," in 1745, and in his own great map of South America, the first edition of which was published in 1748.

D'Anville's work formed an epoch in geography and cartography. It raised the study to a new and higher position. And D'Anville's general authority in respect of the delimitation of the physical features of a country is deservedly recognized as very high. His map of South America may be considered as practically the sole au-

thority for that continent down to the beginning of the nineteenth century. Subsequent surveys have shown that as regards the territory now in question D'Anville, in adopting Horstman's information, reproduced on his map a remarkably accurate idea of the portage by Pirara and the connections of the rivers in the district, although in the absence of any distances or observations he gave the Pirara and Maho a wrong direction, and drew the Takutu entirely out of proportion. As regards the delineation of boundaries, however, it will be hereafter shown that D'Anville had not before him the necessary materials for an accurate representation of the political divisions in the north of South America.

Most of the maps of South America down to about 1780, as well as many after that date, followed either Didier Robert de Vaugondy (who adopted D'Anville's geography in this region, and retained the work of D'Anville's first edition), or copied the second edition of D'Anville's own map. But there is a particular series of maps given to the world during the closing years of the eighteenth century by the French and British geographers which present a fantastic picture of the region. They originated with the fine but utterly inaccurate Spanish Map of Juan de la Cruz Caño y Olmedilla. This map was suppressed for political reasons, but not before it had attracted the attention of geographers, and it became the parent of two sets of incorrect maps. In the first place, Caño y Olmedilla's original drafts were acquired by W. Faden and passed from him to Aaron Arrowsmith, who evidently used them as the basis of the maps of South America and Colombia Prima which were issued by him and his son. Secondly, a copy of the original edition of Caño y Olmedilla's Map fell into the hands of N. Buache, who, as he explains in the note on his special map of this region, thought it desirable to reproduce and place permanently on record the detail which he acquired from the suppressed map. Consequently, the correct geography of D'Anville was for a time forgotten, and the maps of the latter part of the eighteenth century threw back the knowledge of this part of South America into the region of fable.

Shortly after the publication of these erroneous maps the Portuguese, through the official maps of Antonio Pires da Silva Pontes, the car-

tographer who visited the district in 1781, and José Simoens de Carvalho, who was cartographer under Colonel Manoel da Gama Lobo de Almada, acquired their first actual knowledge of the cartography of the Rio Branco and its tributaries. The Portuguese Government did not make the information so acquired available to the public. But when in the early years of the nineteenth century the traveller Baron von Humboldt made his inquiries as to the Amazon tributaries they placed these maps at his disposal, and he, in conjunction with the French geographer Lapie, got rid of the errors of Caño y Olmedilla, and restored in effect the correct delineation of D'Anville.

The only maps which have since added anything to the more accurate delineation of the territory now under consideration are those of the explorer, Robert Schomburgk, who was afterwards employed as a Commissioner by the Government of Great Britain. All geographers of repute have since 1850 based their work for this district on that of Sir R. Schomburgk.

Though maps including the territory in dispute purport to have been made by Brazilian officers since the date of Schomburgk's Map, it is certain that these officers never were in the territory, and therefore that their maps do not represent the result of any fresh survey.

(b.)—*As to Boundaries.*

On a question of boundary, maps may be cited as evidence—

1. Of the general reputation as to the boundary ;
2. Of the claims put forward by any particular nation ;

but in either case the extent to which a map is entitled to carry authority requires careful investigation.

It does not follow that a map which deservedly enjoys a high reputation in respect of its delineation of physical features should be treated as of equal authority on a question of boundary.

D'Anville's great Map of 1748 was the first map of South America which portrayed what apparently are definite political boundaries. But there is no record of the information on which

D'Anville based his lines, and they accordingly cannot be accepted as having any weight in the face of definite historical facts which are against them. D'Anville's western boundary has been shown by the recent Award in the Arbitration between Great Britain and Venezuela to have been at the best a mere approximation to the watershed between the Orinoco and the Essequibo. It is certain that his southern boundary corresponded neither to the facts of geography nor to the facts of history. There is, indeed, this great difference between D'Anville's western boundary and his southern boundary: the former accorded roughly with the facts of occupation, the latter was quite inconsistent with the facts.

Even those who adopted D'Anville's geography divided South America on very different lines. The map which was drawn by the Spanish and Portuguese as a basis for the Treaty of 1750, though it followed D'Anville's drawing in the territory now in dispute, is a proof that the Portuguese did not at that time even claim that their occupation reached to the districts apparently marked off by D'Anville. Robert de Vaugondy, a French Royal geographer of no mean repute, though he also followed D'Anville's geography, drew very different boundaries; which, though ambiguous, are on the whole favourable to the case of Great Britain in this matter.

As with D'Anville so also with some other French geographers, such as Bonne and Lapie, who, at the beginning of the nineteenth century, in addition to portraying extensive French claims, now entirely negatived by the Award at Berne in favour of Brazil, agreed in assigning the district now in dispute sometimes to Spain, sometimes to Portugal, but never to the Dutch. These cartographers had no materials to justify the boundary in either case: they are continually inconsistent in themselves, and are shown by the history detailed in this Case to be at variance with facts.

Rather later in the century come certain maps, of which Vivien's map of South America (1825) was perhaps the first, in which the boundary between British and Portuguese Guiana or Brazil is drawn along what is supposed to be the watershed, represented by a large imaginary range of mountains.

During the last half-century or so only two

presentations of the boundary in this district find a place on the maps. The one is a spurious watershed line of the type just referred to, which has been adopted by all the Brazilian maps: the other is the line of the Cotinga and Takutu, suggested by Schomburgk and gradually adopted since 1840 by almost all geographers except those of Brazil.

Of maps which are evidence of the actual claim of each party there are not many to be considered in this Case.

There is one Dutch map—van Heneman's Sketch-map of the limits between Dutch and Spanish Guiana—which is of considerable importance in the present question. Although this map was never published, it shows clearly the extent to which the Dutch were prepared to claim to the southward at the close of the eighteenth century. It is distinct evidence of the Dutch claim against the Spanish and Portuguese, and will be fully described in the notes with which this chapter concludes.

Similar maps from the Portuguese side would of course be entitled to like weight, but it is believed that on no such map was a contemporary line indicated.

Dr. Hancock's Map, in a rather different way, and Sir R. Schomburgk's Maps, in exactly the same manner, are evidence of the British claim.

(ii.)—NOTES ON THE MAPS APPENDED TO
THIS CASE.

It is clear from the above brief review that in the present question no argument can be based upon maps as such. It would be as unfair to argue that the line claimed by Great Britain is the true line because all modern maps have adopted it, as to argue that D'Anville's line was binding because D'Anville was the greatest geographer of his day. It is quite useless to accumulate maps in illustration of this case; because there are only a few which really throw any light upon it.

It is submitted that the maps arranged in the atlas, which accompanies this Case, are the only maps (besides those of the two Portuguese expeditions of 1781 and 1787) which need for a moment command the consideration of His Majesty the King of Italy; and it is now proposed to offer a few observations on each in turn.

(1.) PADRE SAMUEL FRITZ. 1691.—Mapa Atlas No. 6.
Geographica del Rio Marañon o Amazonas. MS.

Padre Samuel Fritz was a Spanish Jesuit, who, between the years 1680 and 1727, as missionary to the Indians, explored the Amazon and many of its tributaries from Quito downwards as far as the mouth of the Rio Negro. His activity is referred to in a despatch printed in the Appendix to the present Case as exciting the alarm of the Portuguese.

The map now reproduced is Fritz's original MS. map, which was acquired by M. la Condamine in 1743 (see la Condamine's "Journal du Voyage fait par l'ordre du Roi, &c.," p. 192), and deposited by him in the Bibliothèque du Roi at Paris. It is now in the Bibliothèque Nationale in that city.

This map may be taken as the first attempt at a scientific or accurate mapping of the Amazon, so far as that river and its tributaries were known to Fritz, and those with whom he came into contact.

It does not mark the Rio Branco, which at this time was unknown to the Portuguese and Spaniards.

It purports to mark existing forts (see note on base of map), and it does insert the Portuguese forts at Pará and Curupá. The map is accordingly evidence that in 1691 there was not yet a fort at the mouth of the Rio Negro.

(2.) PADRE SAMUEL FRITZ. 1707.—El Gran Atlas No. 7.
Rio Marañon o Amazonas.

This map is taken from the original print of Fritz's Map just described: it was engraved at Quito either from the original or from a duplicate: it was brought up to date, for the new fort at the mouth of the Rio Negro is now shown. It is produced to support the documentary evidence as to the date of this fort.

(3.) NICOLAS HORSTMAN. 1740 (?).—Carte de Atlas No. 8.
la Route de M. Nicolas Horstman de Rio Esquibe à Rio Negro.

Both the original sketch (*a*) and the improved drawing or fair copy made for la Condamine in France (*b*) are reproduced in the Atlas. The autograph copy made by D'Anville, which lies in the "Archives du Ministère des Affaires Étrangères" in Paris, is not reproduced: it has,

however, so much general similarity to the second of the maps now reproduced as to suggest that it is really the basis of that fair copy.

Horstman's map and reports have already been fully discussed in the Case. They not only illustrate a very important episode in the Dutch occupation of the zone in dispute, but they show whence D'Anville drew his material for the delineation of this district in his great Map of South America, dated 1748.

Atlas No. 9.

(4.) J. A. B. D'ANVILLE. 1748.—Amérique Méridionale.

The map reproduced is the first edition of this great map. This edition is now very rare. There are two copies in the British Museum and at least two in Paris.

Its chief interest in the present question is that it is the first map of South America which portrays with approximate accuracy the general course of the Rio Branco with its upper tributaries, the connection between the Mahu and the Rupununi by way of the Pirara, and the Lake Amuku: in fact, it was for many years the only map which had any authority for the physical features of this part of South America. All this information was obtained at first hand by la Condamine from the Dutch Commissioner Horstman.

It is impossible to attach similar authority to its presentation of the boundary which indicates Dutch Guiana. No information is extant to show on what the boundary is based or why it is so drawn. That part of it which separates the Dutch and Portuguese possessions corresponds to no geographical division, and is at variance with historical facts.

Atlas No. 10.

(5.) SPANISH-PORTUGUESE TREATY MAP. 1749-50.—Carta geographica de que se serviu o Ministro Plenipotenciario de S. Magestade Fidelissima para ajustar o Tratado de Limites na America Meridional assignado em 13 Janeiro de 1750.

There are many copies of this map extant. In the Archivo del Ministerio de Estado at Madrid alone there are four signed copies. With some small differences in the care with which the colour is put on, they are all practically alike. One copy in Madrid has difference of colouring. In none of the copies which have been examined

is the colouring such as is cited by Francisco Xavier Ribeiro de Sampaio in his "Relação"; so that his citation is possibly another instance of error on his part.

The drawing of this map is generally crude: but so far as it represents the district now under discussion its details are clearly taken from D'Anville's Map of South America, which had already been recognized as the leading authority.

Its chief interest in the present case is that it purports to mark the extent to which Portugal and Spain had actually occupied the northern portion of South America.

The yellow colouring, which represents Portuguese occupation, reaches, roughly, to the "Maho." This is shown by previous chapters of this Case to be an absolutely exaggerated—indeed, an unfounded—claim, as Portugal had at this date no knowledge of the country beyond the mouth of the Rio Branco. It is noteworthy, however, that with the most evident desire to magnify their pretensions at this date, the Portuguese Government claimed nothing on the right bank of the Takutu. In fact, looking to the absence of detail in the map, and the proved absence of knowledge on the part of the Portuguese, it may be stated that, at this date, they did not claim any portion of the zone now in dispute.

(6.) LAURENZ STORM VAN 'S GRAVESANDE. Atlas No. 11. 1750.—Rios Essequibe et Demerary.

This sketch-map by the Dutch Governor was apparently made more or less from memory when he was in Zealand in 1750. It was in the beginning of that year that he had ordered the removal of Arinda to a higher position, and "New Arinda" is marked on this map. He states himself that he gave such a map to the Directors when he was on leave.

In this map, though it is rough, and incorrect in many details, it will be observed that beyond the Rupununi and towards the Amazon are written the words: "To this point come the traders of Essequibo," and just beyond that point is shown the supposed position of the Manoa (Magnouw) nation, who, as has been seen in the course of this Case, were actually on the Rio Negro at this date.

Atlas No. 12.

(7.) DIDIER ROBERT DE VAUGONDY. 1750.
—Amérique Méridionale.

This map is reproduced here as the earliest and most authoritative of a series of French maps which adopted D'Anville's geography without adopting his lines of boundary.

Atlas No. 13.

(8.) JACOB JAN HARTSINCK. 1770. — Caart van Guiana.

This is almost the only authoritative Dutch map of Guiana ever actually published, and for that reason alone would deserve reproduction. It is for the most part based upon an old map of the Colony (now apparently lost) which used to hang in the Council Chamber of the West India Company at Middelburg; but in the district now in question, as the author tells us in his text, it follows the work of D'Anville and la Condamine —*i.e.*, it goes back to the facts recorded by Horstman.

As regards boundaries, its lines are difficult to follow, but it would appear to claim, as belonging to the Dutch or within their sphere of influence, a great part of the interior between dotted lines stretching from the coast indefinitely towards the Rio Negro. This would accord with the text of Hartsinck's work, which describes the fort of the Rio Negro as the uttermost possession of the Portuguese on the Amazon and treats Portuguese Guiana as reaching only to the Rio Negro, a view pretty much in accord with the actual facts of occupation at this date.

Atlas No. 14.

(9.) RIBEIRO DE SAMPAIO. 1774-75. — Carta geographica das Capitanias do Gram Para e Rio Negro.

This is the map which is attached to Ribeiro de Sampaio's "Diario." It is probably not by his hand, but it shows that before his attention was called to the Rio Branco by the Leclerc incident he had no knowledge of the river: neither is there any sign of Portuguese occupation upon this river at this date.

Atlas No. 15.

(10.) JUAN DE LA CRUZ CAÑO Y OLMEDILLA 1775.—Mapa geográfico de America Meridional.

The sole object in reproducing a portion of this fine but inaccurate map is to place before the Arbitrator the source of a large number of

erroneous maps which were issued in the closing years of the eighteenth century.

(11.) RIBEIRO DE SAMPAIO. 1778.—Mappa Atlas No. 16.
da America Meridional para fazer com-
prender a verdadeira situação do
Rio Branco

This is the map attached to Ribeiro de Sampaio's "Relação." Its incorrect geography shows that up to this date the Portuguese had hardly yet begun to know the district which the map professes to portray. The map is interesting, as indicating the relative positions of the first sites of the Missions on the Upper Rio Branco.

(12.) J. C. VAN HENEMAN. 1801 (?).—Schets Atlas No. 17.
Kaart van de Limite tusschen het Koninkl.
Spaansch en Nederlandsch Gujana.

This map was never published, but it is, nevertheless, of importance in the present Case: for van Heneman was officially employed by the Dutch West India Company as Cartographer, and this map appears from the inscription upon it to have been annexed to a Report, which probably dealt with the boundaries. Hitherto the efforts to find that Report have been unsuccessful.

The date of this map has been difficult to determine. That assigned in the Appendix to the British Case in the Venezuelan arbitration was erroneous. Professor Burr was correct in stating that it could not be earlier than 1776. He has, however, no sufficient reason for his suggestion that it is not later than 1781. A careful collation of the information bearing on the point makes it fairly certain that the map is not earlier than 1796. There is a great probability that it was drawn with a view to the negotiations for the Treaty of Amiens.

The similarity of the drawing to that of the map of Hartsinck is evident on inspection; both have the same detail, so far as they go together, the same spelling, and even the same errors. Either this map is simply taken from Hartsinck for the purpose of drawing the boundaries, or both are taken from a common original.

The coloured lines on the map are clearly intended to represent the boundaries of the Dutch Colony on the west and south. The point of intersection of the lines falls on the

sources of the River "Paruma," and the southern line cuts the Branco and Takutu just above their junction, running in the direction of the sources of the latter river. This will be seen by applying the southern boundary to Hartsinck's Map at the proper angular distance. The Van Heneman Map evidently claims as Dutch the whole of the zone in dispute and a good deal more to the westward.

Atlas No. 18.

(13.) COLONEL HISLOP. 1802. — Chart of Guyana, &c. . . . showing the connection between the two great rivers Amazon and Orronocco.

This is the map sent home by the British Commandant of the captured Dutch Colonies. It is clearly a copy of Hartsinck; its general features and lines are much the same, even to some errors in the names.

This map includes in Dutch Guiana a part of the zone claimed by Great Britain: but it appears to represent the greater part of the zone as belonging neither to the Dutch nor to the Portuguese. There is nothing to show on what materials the divisions of territory are based. It will be remembered, however, that within two years of the transmission of this map, when the British Governor made the earliest statement (in 1804) of the British claim to a southern boundary, he described it as "unexplored woods and the river Amazon."

Atlas No. 19.

(14.) J. HANCOCK. 1811.—Chart of the interior of British Guiana.

The original chart referred to in Dr. Hancock's petition has not been found. But there appear to be three extant copies of the map. The earliest appears to be the small copy entitled, "A delineation of the route of Messrs. Simon and Sirtema and Dr. Hancock, &c.," which lies in the collections of the Royal Geographical Society of London. Another is apparently a copy made in 1828 by Joshua Bryant, and re-copied in 1833 by C. Baker: it is deposited in the office of the Town Superintendent of the city of Georgetown. The other is a copy by one Rainsford, marked in pencil, "Dr. Hancock's Interior," which is preserved in the Department of the Registrar at Georgetown. All these copies have been carefully collated: they display some

curious but trifling divergences, mainly the result of copyists' variations, but there can be little doubt that they faithfully represent the original, which has not been found.

The chief interest of this very sketchy plan is that it shows a fair amount of detail throughout the country up to the Cotinga (called Siruma) and Takutu (written Tokoto), but it notes nothing beyond, except the position of Fort São Joaquim. It is also the first map which shows the "Pyramid" or Rock Ataraipu (marked as Toriporo) and the site of Mahanarwa's abode.

(15.) ARROWSMITH, JOHN. 1832 —Colombia. Atlas No. 20.

This map has no official authority; nor is it now known on what ground Arrowsmith drew his boundary as it appears on the map. The map is, however, of interest for two reasons: First, it is one of the best representations of that imaginary hill-system, which, in accordance with the erroneous ideas of Brazilian explorers, was on many maps made to form a distinct and well-marked watershed between the Takutu and Rupununi. Secondly, it appears to supply a good type of the maps referred to by Schomburgk in his earlier reports, when he comments on the error of indicating the Rupununi as the boundary of British Guiana.

(16.) ROBERT SCHOMBURGK. 1839.—Sketch- Atlas No. 21.
map of British Guiana to explain a memoir on its boundaries.

This map is, as regards its main features, the result of personal explorations made by Schomburgk when employed on behalf of the Royal Geographical Society, and before he was appointed a Commissioner by Her late Majesty's Government. It was the beginning of accurate geography in the zone in dispute. It is not free from mistake, *e.g.*, it makes the Guidiwau a tributary of the Takutu: but in all essential details it is correct.

It will be seen that in this map Schomburgk already indicates the line of the Cotinga and Takutu as the proper boundary of British Guiana in this region.

(17.) ROBERT SCHOMBURGK. 1840.—Map of Atlas No. 22.
Guayana to illustrate the route of R. H. Schomburgk, Esq.

This map accompanies the narrative of Schom-

burgk's final journey on behalf of the Royal Geographical Society, between October 1837 and May 1839. He prepared it with his usual care; on the face of it he indicates by broken lines, &c., the parts of the country which he did not personally visit. Along the line of his route it may be taken as quite accurate.

Atlas No. 23.

(18.) ROBERT SCHOMBURGK. 1842.—Sketch-map of the River Takutu.

This map was prepared when Schomburgk was acting as Boundary Commissioner. It is the first and only separate map of the river, which was then, for the first time, completely surveyed.

Atlas No. 24.

(19.) ROBERT SCHOMBURGK. 1844. Map of British Guiana.

This large map of British Guiana, designed to show the physical features of the whole Colony, is the final result of Schomburgk's labours, both as an independent explorer and as a Boundary Commissioner. It was the first trustworthy map of the Colony: its positions, though sometimes doubted, have been proved by the most recent observations to have been almost uniformly accurate in all cases where Schomburgk took them himself, and though it is of no interest on the question of boundary, it demands reproduction as being, up to the present time, the leading geographical authority for the district claimed by Brazil.

Atlas No. 25.

(20.) RICHARD SCHOMBURGK (engraved by Mahlmann). 1846.—Karte von Britisch Guiana nebst dem Quelllande des Parima (Rio Branco) und Orinoco.

This map is reproduced as being an independent representation of the general results of Robert Schomburgk's surveys, which had a considerable effect on the work of subsequent geographers.

CHAPTER XI.

CONCLUDING STATEMENT.

It will now be convenient to recapitulate the results of the foregoing chapters.

Geographically, the zone now before the Arbitrator has been shown to be mainly a piece of savannah country connected without any break with the colony of British Guiana to the east, but cut off towards the west from the Amazon basin by broad rivers which form a well-marked natural boundary.

Historical facts have been shaped by those of nature.

The Dutch prior to 1638 had made their way by the Essequibo to the borders of the Amazon, and utilized the waterways between the Rupununi and Rio Branco in order to establish in the interior the foundation of a regular trade. Of this Padre d'Acuña learned when in 1639 he came down the Amazon with Teixeira, through whom the Portuguese first became aware of the existence of the Rio Negro.

By the end of the century the trade of the Dutch with the savannahs beyond the Rupununi, the zone now in question, was well established and organized, and some of their traders regularly penetrated as far as the Rio Negro. At this date the Portuguese had just established their fort at Barra do Rio Negro, some 500 miles by the nearest route from the territory under discussion.

In 1714 the Dutch West India Company gave orders for the complete exploration of the interior towards the Amazon, but it is not known how far these orders were carried out. It was some time later than this that the Portuguese became aware of the existence of the Rio Branco where it flowed into the Rio Negro, and possibly began to navigate it for some short distance up. They were still 300 miles from the zone now in question, which the Dutch, on the other

hand, were habitually frequenting for the purposes of trade.

Up to 1727 the Dutch must be considered as dominating a considerable portion of the Rio Negro and all the country north of it towards Essequibo; but in that year the Portuguese by their defeat of the Dutch ally Ajuricaba asserted their title to the Rio Negro, and probably also to the mouth of the Rio Branco. It is noteworthy that the chief authority for the history of the Portuguese in this region up to this time has nothing to say of the Rio Branco except that it bounds the Dutch Colony of Surinam.

In 1737 the Dutch established Arinda in its first position, and from this time till they lost their Colony steadily consolidated their influence over the Upper Essequibo, Rupununi, and the savannahs beyond it, up to and even further than the banks of the Takutu and Cotinga, maintaining a regular trade, making explorations and investigations, and controlling and protecting the Indians, throughout the whole of the zone more particularly under discussion at the present time. In fact the Dutch records show that from 1750 onwards to the end of the eighteenth century, when the British took the Essequibo Colony, their position in the zone in question was that of a power which had organized over it as complete an administration as was compatible with the circumstances of the case. That their occupation was not more complete was due, first to the distance of the territory from the seat of Government, and secondly to the absence of any serious molestation from any third party.

The Portuguese, on the other hand, who had in 1740 first received from a Dutchman definite information of the course of the Rio Branco, were still in 1752 only concerned so to fortify their position near its mouth as to prevent that river from passing altogether into the hands of the Dutch. It was not till over thirty years later that the advance of Spain on their western boundaries roused them to greater activity in the Rio Branco. In 1766 they sent an expedition up the river as far as the mouth of the Takutu, *i.e.*, actually into the then sphere of Dutch influence; but it was another ten years before, warned by another Dutchman, they made the final effort which extended their frontier definitely to the mouth of the Takutu.

From 1776 onwards the spheres of Dutch and

Portuguese influence touched on the upper tributaries of the Rio Branco. In 1784 and the two succeeding years the Portuguese made very great efforts to oust the Dutch influence over the natives of this district, but they failed. In 1788 the special Commissioner sent by the King of Portugal to examine the district reported in terms which exclude the idea that the zone was any part of the Portuguese dominions.

When at the beginning of the last century the British acquired the Colony of Demerara and Essequibo, the action of the native Chief Manariwan or Mahanarwa and the Commission which was sent to investigate his status and claims show that the British succeeded to the position of their Dutch predecessors as the owners of the zone now in question, and were acknowledged as such by the natives who inhabited it. Whatever casual visits may have been made by the Portuguese to any part of the zone, either during the period between 1796 and 1810, or between 1811 and 1830, they must be regarded as acts of mere trespass, and on the first occasion, when it was necessary for the British Government to assert that view, they did so without hesitation: for when the missionary Youd, who had established himself at Pirara, was turned out by a Brazilian officer coming from Fort São Joaquim, this intrusion on the part of the Brazilian Government was met by the armed occupation of Pirara by British troops in 1842. Her late Majesty's Government thus, in the most emphatic manner, asserted the claim of Great Britain to the district, and the troops were only withdrawn on an arrangement being concluded between the two Governments that Pirara should be considered neutral ground pending the settlement of the dispute.

The negotiations for adjustment, which were commenced in 1843, were from various causes, which may be considered immaterial, suspended for about fifty years until the commencement of the *pourparlers* which led up to the present arbitration. But, meanwhile, the old trend of settlement from the Essequibo still maintained its set towards the zone which Great Britain claimed, and it may be stated with confidence that during the long period just mentioned the district now in question, including Pirara, has

been considered by the Indians inhabiting it, who are the parties chiefly concerned, as belonging to Great Britain.

The eastern banks of the Cotinga and Takutu are indicated by nature as the right boundary; and this fact is recognized by the native tribes. Moreover, that line was marked out by Schomburgk, and this was well known to those tribes. They have dwelt within it free from molestation, and have recognized the line—the line of the Cotinga and Takutu—as *de facto* the British boundary. It is submitted that a great injustice would be done to the Macusis and Wapisianas by giving to Brazil any part of the territory to the eastward of these rivers. Such an Award would expose Indians, who look to the British for protection, and who object to be under the rule of Brazil, to an enforced change of nationality, under the penalty of leaving districts where they have been settled for generations.

It is accordingly submitted that in the present case the actual facts both of geography and ethnography combine with those of discovery and possession to point out as the proper boundary between British and Brazilian territory the line indicated by Sir R. Schomburgk, which forms the western limit of the zone submitted to the Arbitrator.

But if geographically the district must be considered as annexed to the basin of the Essequibo, historically its fortunes have been linked with it to a much greater degree. The Europeans who first entered it—the Dutch—approached it from the tributaries of the Essequibo. It was used by the Dutch for all the purposes of beneficial occupation long before the Portuguese appeared on the Rio Branco. And although the Portuguese, in their subsequent efforts to secure the Rio Branco, may at times have contemplated an attempt to take possession also of the territory in dispute, they were the second comers, and, in order to make any title, would be required by the rules of international law to shew a long continued possession, superseding the prior title of the Dutch or the Indians under the protection of the Dutch. This they could not do.

The Brazilians are not entitled to the benefit of any encroachment which they may have made at a critical period in the history of the Colony of Essequibo, for as soon as matters had settled down, and attention was called to the territory in dispute by an overt act on the part of Brazil, the British Government at once took steps to prevent the possibility of any reliance upon the encroachments above referred to.

